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COURT OF APPEALS
DIVISION II
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STATE OF WASHINGTON
BY DEPUTY

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

In re Personal Restraint
Petition of Eric K. Jacobson

No.

PERSONAL RESTRAINT
PETITION

Eric K. Jacobson #395001
Airway Heights Corrections Center #KB58
P.O. Box 2049
Airway Heights, WA 99001

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A. Status of Petitioner

Eric K. Jacobson, Washington State Department of Corrections #395001, (hereinafter "Petitioner"), applies for relief from restraint. He is now incarcerated at Airway Heights Corrections Center in Airway Heights, WA. He was convicted in November 2016 of 1 count of Attempted Rape of a Child and 1 count of Attempted Commercial Sex Abuse of a Minor. He was sentenced to concurrent sentences for both counts, for a term of 85 months to Life with lifetime supervision if released into community custody. Pierce County Superior Court case no. 15-1-05049-6. (see Appendix 1, Judgement and Sentence).

This petition is filed within one year of the November 28, 2018 mandate from The Supreme Court of Washington no. 96240-5 (see Appendix 3, Mandate). This is Petitioners first collateral attack on his judgement of convictions.

1. Petitioner was convicted at trial of the crimes of
1 count of Attempted Rape of a Child and 1 count of
Attempted Commercial Sex Abuse of a Minor.
2. The sentencing Judge was the Honorable Ronald Culpepper.
3. Petitioners lawyer at trial was Travis Currie, assigned
through the Pierce County Department of Assigned Counsel
4. Petitioner appealed the decision to the Court of Appeals
Case No. 49887-1-II. The Court affirmed the convictions
and the decision of the Court was not published. (see
- appendix 2).
5. Petitioners appellate lawyer was Marla Zink, Washington
Appellate Project, Melbourne Tower #701, 1511 Third Ave.
Seattle, WA 98101.

6. Petitioner sought review to the Washington State Supreme Court. Review was denied. (see Appendix 3)

7. Petitioner has not asked a Court for relief other than what is written above.

Facts that either were not introduced or discovered at the time of trial, relevant to this Personal Restraint Petition, are both appended to this petition and are discussed in the pertinent claims of error below.

GROUND FOR RELIEF

This petition is filed pursuant to the United States Constitution Amendment VI and the Washington State Constitution Article I Section 22,

"In all criminal prosecutions the accused shall enjoy the right to a speedy trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

The Sixth Amendment and Washington State Constitution guarantee the accused the right to effective assistance of counsel. State v. Estes, 188 Wn.2d 450, 457, 395 P.3d 1045(2017) An ineffective assistance of counsel claim is a mixed question of law and fact and is reviewed de novo. State v. James, 183 Wn.2d 327, 338, 352 P.3d 776 (2015).

GROUND 1

Petitioner was denied his Sixth Amendment right to effective assistance of counsel when his defense counsel at trial failed to present and discuss the pro's and con's of a proffered plea offer from the prosecuting attorney - a failure which denied petitioner the right to make an informed decision about whether to plead guilty or proceed to trial and prejudiced petitioner.

- 1) Should counsel have disclosed to and discussed with petitioner, proffered plea offers which would have reduced the prison time and probation petitioner faced by proceeding to trial and being found guilty?

Petitioner was incarcerated in Pierce County Jail between the dates of December 16, 2015 through trial and sentencing in December of 2016, as a result of his arrest and subsequent conviction at trial. Petitioner was arrested in an undercover sting operation called "Net Nanny", conducted by the Missing and Exploited Children Task Force (MECTF), in coordination with the Washington State Patrol. Travis Currie was assigned as defense counsel by Pierce County Department of Assigned Counsel.

In July of 2018, petitioner requested a copy of his complete client file from defense counsel. The Department of Assigned Counsel reported with its final installment in November of 2018 that the records request was complete. Additionally, a records request was made to the Pierce County Prosecuting Attorney's Office (PCPAO) for copies of any and all records of any plea offers and subsequent discussions between defense counsel and the prosecutors office. (see Appendix 7)

Over the nearly 12 months of incarceration in Pierce County

Jail, petitioner met with defense counsel approximately 12 times. (see Appendix 11). These meeting consisted mainly of discussion about continuances and omnibus hearings. These meetings lasted on average less than 5 minutes. In spite of having ample time prior to going trial and having received several letters and numerous phone messages from petitioner, defense counsel offered almost no strategic advice. Inexplicably absent in the record is any documentation about defense counsels thoughts on the strengths and weaknesses of petitioners defense or of the strength and weaknesses of the prosecutions case.

On January 20, 2016, defense counsel notes in his case activity log that it is, "OK to talk to Carol Jacobson about case." Carol Jacobson was appointed as petitioners Power of Attorney. (see Appendix 8). In fact, petitioner was in regular contact with Carol Jacobson throughout the duration of the case proceedings and relied on her as a point of contact with defense counsel. Carol Jacobson phoned and emailed defense counsel regularly to be kept abreast of case proceedings. (see Appendix 9).

On January 22, 2016,, petitioner asked defense counsel whether any plea offers had been extended. Defense counsel replied, "Plead guilty as charged." (see Appendix 11). Defense counsel added the petitioner was, "facing serious time." (see Appendix 4). Defense counsel showed petitioner a grid, later recognized as a sentencing grid pursuant to RCW 9.94A.510 Table 1 Sentencing Grid. Defense counsel notates petitioners response in his case activity log, as "No. Not Guilty." (see Appendix 11) In fact, defense counsel was in receipt of a Plea Offer Worksheet

from PCPAO. (see Appendix 6). Defense counsel did not show this to the petitioner. This is particularly troubling as the Offer and Sentencing worksheet clearly states the sentencing terms that petitioner would be subject to if he pleaded guilty as charged. In section III it states that, "Parties to argue for sentence within the standard range (I: 90-120 months to life, II 27-36 months). I: life time community custody...". Yet, in his case activity log, defense counsel notates only, "XII A, 120-160/75% 90-120 and VIII B, 36-48/75% 27-36." (see Appendix 11). In point of fact, defense counsel did tell petitioner that he faced "8-10 years". (see Appendix 4). However, defense counsel failed to tell petitioner that he faced a possible max life sentence and defense counsels own case notes reflect this failure to disclose.

During a face to face meeting with defense counsel following an omnibus hearing on February 26, 2016, petitioner told defense counsel that he, "would be willing to entertain a deal that offered minimal jail time." (see Appendix 4).

Over the next several months, Carol Jacobson made several attempts to communicate with defense counsel via phone calls, and emails. Her communications, if replied to at all, were met with slow responses which failed to answer her questions about specific questions as to what would happen if petitioner took a plea deal. (see Appendix 15). In one email exchange, dated July 23, 2016, Carol Jacobson had to write again on August 5, 2016, before finally getting a reply from defense counsel. (see Appendix 9).

On June 9, 2016, following an omnibus hearing, as notated in defense counsels case activity log (see Appendix 11), petitioner once again asks defense counsel if any plea offers had been extended. (see Appendix 4). Defense counsel told petitioner that the same plea as offered before (plead guilty as charged) was still available. (see Appendix 4). Petitioner told defense counsel, "Not interested in a deal like that." (see Appendix 4 and Appendix 12). Petitioner further told defense counsel to keep him informed of any plea offers the prosecutor offered, as petitioner was interested in a deal that offered minimal jail time, as he had indicated in a prior meeting. (see Appendix 4) Shortly after the June 9, 2016 meeting with defense counsel, petitioner communicated the context of the meeting to Carol Jacobson. In fact, on June 27, 2016, Carol Jacobson sent defense counsel an email in reference to this meeting, by asking, "If Eric decides to plea bargain, I'm assuming that he would plead guilty. Would he then have to register as a sex offender for the rest of his life? Could there possibly be jail time associated with that? Could there be probation?" (see Appendix 9).

Inexplicably, there is no record of defense counsel replying to this direct question until November 2016. (see Appendix 9), which is after the trial and subsequent conviction of petitioner. Defense counsel merely replies, "He faces a long prison sentence." (see Appendix 9)

Only after receiving his complete client file from defense counsel, did petitioner discover a series of emails from the prosecutors office to all of the attorneys of defendants in the Net Nanny sting operation of which the petitioner was arrested.

(see Appendix 5). These emails were sent between July 14, 2016 and September 30, 2016. The emails listed each defendants charge and sentencing range, with no mention of the "max life" provision or that Count I of each charge put the defendant under the purview of the Indeterminate Sentence Review Board (ISRB). Each email also detailed the initial plea offer the prosecution was making and a willingness to entertain a counter offer. (see Appendix 5).

The initial offer was to plead guilty to Child Molestation 2 (VII), Commercial Sex Abuse of a Minor (VIII) and Communication with a Minor for Immoral Purposes (III). The sentencing range for these charges, if taken and accepted as written, would have resulted in a maximum of 80 months in prison and 36 months of probation. As it had been represented to petitioner by defense counsel, pleading guilty as charged or being found guilty at trial brought 90-120 months of prison time. So, it stands to reason that had this offer been presented to petitioner, he would have recognized this as an offer of less prison time. (see Appendix 11 and Appendix 14). In fact, the actual sentencing range of pleading guilty as charged or being found guilty at trial was 90-120 months minimum, based on an offender score of 0 up to max life and lifetime probation, if released.

In point of fact, petitioners client file is void of any record of defense counsel presenting the plea offers made between July and September 2016. Had petitioner been presented the opportunity to negotiate a more favorable plea offer, he would have. Petitioner was never made aware of the formally proffered plea offers made in the aforementioned emails.

It is interesting that on June 9, 2016, Prosecutor John Neeb notated in his case notes, petitioner, "Not interested in a deal." (see Appendix 12). This supports the contention that petitioner and defense counsel did discuss the "Plead guilty as charged" plea offer. In order for the prosecutor to have known this, defense counsel would have had to have told him. However, this took place more than a month before the first official plea offer came from the prosecutors office.

Further, it appears defense counsel never replied to the prosecutors office, in regards to the plea offers made between July 2016 and September 2016. In a letter from the Pierce County Department of Assigned Counsel, they confirm, "There is no record ...After receiving your request, your client file was re-reviewed for any documents fitting your request. We were unable to locate any documents from Travis Currie or any other attorney, regarding plea offers for Pierce County Superior Court Cause Number: 15-1-05049-6." (see Appendix 7).

Inexplicably, despite being informed on two separate occasions (see Appendix 4), that petitioner was open to a plea and by having defined some terms to start a negotiation, was therefor demonstrating a willingness to accept a plea offer, defense counsel ignored his duty to advise petitioner of a proffered plea offer and the prosecutors openness to negotiate.

Defense counsels own case notes are void of any mention of discussion with petitioner of any plea offers, other than plead guilty as charged. The record is completely void of any acknowledgment from defense counsel of receipt of the plea offers sent from the prosecutors office. Had petitioner been advised of

these plea offers, he would have accepted a plea offer that produced a more favorable sentencing outcome than he faced by pleading guilty as charged or being found guilty at trial.

In, Missouri v. Frye 566 U.S. 134, 132 S.Ct 1399 182 L.Ed 2da 379 (2012), the Court stated:

"Defense counsels allowing plea offer to expire without advising accused of offer held to constitute denial of effective assistance of counsel required under the federal constitutions Sixth amendment."

In Lee v. U.S. 582 U.S., 137 S.Ct 198 L.Ed 2d 476, 2017 US Lexis 4045, in dissenting opinion, the Court states:

"The Court in Missouri v. Frye intended Hill to hold that counsel would be constitutionally ineffective for failing to communicate a plea deal to a defendant. (566, US at 145, 13 S.Ct 1399)"

Additionally, In Re Personal Restraint of McCready (100 Wn App 259, 996, P.2d 658 (2000)), the McCready Court held that defense counsels, "...failure to advise defendant of the available options and possible consequences, constituted ineffective assistance of counsel."

In State v. Edwards, March 1, 2012, 171 Wn App 379(opinion), it was determined that ineffective assistance of counsel exists when counsel fails to adequately advise (client) of plea options and sentencing consequences. And, in State v. Estes, February 14 2017 395 P.3d 1052, Estes was prejudiced when he was deprived of the ability to make an informed decision about whether to plead guilty.

Given defense counsels exclamation of, "...17 years of experience and I know what I am doing." (see Appendix 4), it is

unreasonable and inexplicable that defense counsel did not have any substantive discussion with petitioner of the strengths and weaknesses of the case against him. Defense counsel ignored petitioners specific instructions to be kept informed of any plea offers. Defense counsel failed to accurately portray the true sentencing risk of pleading guilty as charged or being found guilty at trial. Defense counsel allowed proffered plea offers to expire without advising petitioner.

Petitioner was prejudiced by defense counsels lack of effective assistance at time when effective assistance was most critical. As the plea offers show (see Appendix 5), had the petitioner been advised of and accepted the first plea offer extended, he would have faced an 80 month prison sentence and 36 months probation. This, in contrast to the actual sentence he faced by pleading guilty as charged or being found guilty at trial, of a minimum of 90-120 months in prison upto max life and lifetime supervision under the jurisdiction of the ISRB. By negotiating on the first plea and accepting the outcome of those negotiations, petitioner would have been able to avoid possibly more prison time than he faced by proceeding to trial and being found guilty.

The Strickland 2 Prong test requires that, (1) Petitioner would have accepted the plea offer with the advice of competent counsel, and (2) the trial Court would have accepted the plea. Petitioner would have accepted a plea offer such as what was being offered in the July-September emails. Petitioner had expressed a willingness to negotiate and an unwillingness to simply plead guilty as charged. The trial court did accept plea

offers from other defendants in the Net Nanny operation of Decemeber 2015. One defendant of note is Charles Drury. Petitioner and Drury were housed together in Pierce County Jail. The details of his plea bargain are not known by the petitioner at the time of writing of this petition.

Additionally, any reasonable person, given the nature of charges against him and the sentencing risk faced, would want the opportunity to evaluate a proffered plea that would eliminate a max life sentence and lifetime probation if ever released, such as petitioner faced by pleading guilty as charged or proceeding to trial and risking being found guilty, as he eventually was.

In point of fact, there was no difference in sentencing risk by pleading guilty as charged or proceeding to trial and being found guilty. Petitioner was under the impression that both options carried prison terms of 90-120 months, (see Appendix 11), In fact, petitioners risk was substantially more. Nonetheless, when facing what appears to be no difference in risk by pleading guilty as charged or going to trial, a reasonable person would choose to go to trial and pray for a not guilty verdict.

In this case, petitioner believed he had nothing to lose by going to trial. Petitioner based his decision to go to trial on incorrect and uninformed risk factors. This lack of competent, effective counsel is ever more egregious in light of the fact that petitioner had made it clear to defense counsel that he was open to plea bargaining if something other than plead guilty as charged were offered. (see Appendix 4, Appendix 9, Appendix 15).

Thus, this Court should find defense counsels performance deficient and ineffective and not meeting the standards of effective assistance of counsel guaranteed under the Federal Constitutions Sixth Amendment, and should remand for a new trial, or for proceedings placing petitioner back in the position he was when the plea offers of July-September 2016, were made, in Pierce County Superior Court.

GROUND 2

Petitioner was denied his Sixth Amendment right to effective assistance of counsel, when defense counsel failed to accurately represent the sentencing consequences of pleading guilty as charged or going to trial and being found guilty. A failure that prejudiced petitioner.

- 2) Should defense counsel have told petitioner that he faced a max life sentence and mandatory lifetime supervision if he pleaded guilty as charged or proceeded to trial and was found guilty?

On January 22, 2016, defense counsel and petitioner met. (see Appendix 11). During this meeting, petitioner was informed, he, "faced serious prison time." (see Appendix 4). Defense counsel referenced a a chart, later discovered to be RCW 9.94A.510 Table 1, Sentencing Grid, which he had with him. Defense counsel indicated petitioner was, "looking at 8-10 years" for the crimes he was charged with. (see Appendix 4). Defense counsel made no mention of the possibility of a max life sentence if petitioner proceeded to trial and lost. Nor does the grid indicate such possible sentencing risk.

Defense counsel then explains that the prosecutor has extended an initial offer of plead guilty as charged. (see Appendix 6). Although defense counsel had the offer and sentencing worksheet at the time of this meeting, he never showed it to the petitioner. It was only later discovered upon receipt of the client file by petitioner. Petitioner replied, "No deal, Not guilty." This rejection was completely reasonable at this point as defense counsel had represented that petitioner faced the same sentencing consequence by taking the offered plea now, as proceeding to trial and being found guilty. The plea offer extended was not to a lesser charge or for less prison time, as petitioner understood it.

In the June 9, 2016 dialog between petitioner and defense counsel previously referenced, (see Appendix 4), it has been established that defense counsel and petitioner did in fact discuss a plea deal. A deal that was essentially the same as previously offered plead guilty as charged. As there had not been any other plea offer extended prior to July 2016, the only plea Carol Jacobson could have been referencing in her June 27, 2016 email to defense counsel was the only plea officially offered at that point, plead guilty as charged. Defense counsel had an opportunity to declare to Carol Jacobson that petitioner faced a max life sentence and lifetime supervision if ever released. Yet, inexplicably, he fails to do so. Additionally, defense counsel fails to even acknowledge that by opening a line of questioning regards plea offers, that petitioner is open to the prospect of a plea offer.

Had such discussions taken place, and defense counsel discussed the terms of the plea offers with petitioner,

petitioner would have become aware of the true sentencing risk he faced by going to trial or pleading guilty as charged.

Because the plea offers explained that the prosecutor was willing to ^{take} max life and lifetime supervision off the table (see Appendix 5), any reasonable person would have realized that ^{he} had not fully understood the true sentencing risk they were facing up to this point. The very presentation of the plea offers to petitioner would have sparked inquiry about what indeterminate sentencing was. And, after clarification, petitioner would have been able to identify that the proffered plea offers of July-September 2016 represented substantially reduced sentencing consequences. In point of fact, had petitioner accepted the plea deal offered in those emails, without negotiating any other terms, he would have faced a maximum term of 80 months (all counts running concurrent) and 36 months of probation. Even though he believed he was facing 90-120 months (see Appendix 11), the plea offer still represented a reduction in prison time and supervision that he should have been made aware of.

In reality, defense counsels failure to inform petitioner of his true sentencing consequences, subjected him to possibly decades more prison time than would have faced, had he been informed of and accepted the plea offers of the July-September emails. Had he known his true sentencing risk and been informed of plea offers that eliminated a maximum possibility of life in prison, petitioner would have accepted such a plea offer.

All of this is significant in that the defense counsel had a duty under the Rules of Professional Conduct to relate the

exact nature of the seriousness of the charges petitioner faced and the possible sentence if found guilty as charged, at trial. Yet, inexplicably, the client file record is void of any evidence that defense counsel informed petitioner he faced a maximum life sentence under the ISRB and lifetime supervision if ever released from prison. In fact, defense counsels own notes prove he only represented to petitioner that he faced 90-120 months. (see Appendix 11). Further, even though defense counsel had been given explicit permission to discuss case proceedings with Carol Jacobson, petitioners duly appointed Power of Attorney, he failed to disclose petitioners true sentencing risk to her. Given defense counsel had ample opportunity to convey to petitioner and his Power of Attorney, over the course of months and numerous face to face meetings with petitioner and numerous phone calls and emails, there is no reasonable explanation as to why defense counsel failed to disclose the true sentencing risk petitioner faced.

Had Carol Jacobson known of petitioners true sentencing risk she would have had discussions with petitioner encouraging him to take a deal that saved him from a possible max life sentence. (see Appendix 15).

In State v. Edwards 188 Wn.2d 450, 395 P.3d 1045, 2017 WASH Lexis 616, the court decided ineffective assistance of counsel because counsel did not fully inform defendant of options during plea bargaining:

"Principles of effective assistance of counsel require counsel to assist the defendant in making an informed decision as to whether to plead guilty or proceed to trial. (State v. Estes quoting State v. ANJ). At a minimum this includes

reasonably evaluating the evidence against the accused and the likelihood of a conviction if the case proceeds to trial. (Quoting ANJ)."

This is important because discussion of options during plea bargainings initial offerings should have included the disclosure that petitioner faced upto a max life sentence in prison and lifetime supervision if ever released. In fact, as discussed earlier, defense counsel failed to disclose to Carol Jacobson the sentence petitioner faced, in an email exchange after trial and prior to sentencing. This indicates that either defense counsel was unaware that petitioner faced a max life sentence or he exercised an inexcusable lack of judgement in deciding not to disclose petitioners true sentencing risk.

During the nearly 11 month build up to trial, defense counsel had ample opportunity to disclose the true sentencing risk petitioner faced. During these months, defense counsel also had ample contact with petitioners Power of Attorney and knew he was at liberty to discuss the case proceedings with her. (see Appendix 11). And yet, there is no reasonable strategic reason for failing to disclose such critical information at such a critical juncture in petitioners life.

In State v. Estes 188 Wn.2d at 422:

"Our Supreme Court held that Estes met his burden of showing a reasonable probability that had he known he faced a life sentence, the result of the proceeding would have differed." And further:
"Even the record showed that Estes had declined to negotiate from the outset of his case. The Court held that had Estes been fully informed there was a reasonable probability that he would have negotiated a different outcome. The Court also held Estes was denied the ability to make an informed decision about whether to plead guilty and we find that defense counsels conduct prejudiced Estes."

In State v. Drath Wn.App.2d (45403-511)(2018)(Div. II):

"...defense attorney conveyed plea offer, but gave incorrect information about the standard sentencing range at trial."

Just like in Drath, here, petitioner was given inaccurate sentencing information and, as such, defense counsels conduct prejudiced petitioner.

While it is true that, on two occasions, petitioner refused a plea offer of plead guilty as charged, and the inaccurate sentencing risk defense counsel represented. This refusal was warranted as defense counsel had represented to petitioner that there was no difference in pleading guilty as charged or going to trial. Had petitioner been told of the plea offers made in the July-September emails, the outcome of these proceedings would have been different.

Defense counsel is bound by Constitutional duty and the Rules of Professional Conduct to fully inform his client of the strengths and weaknesses of the case against him, his defense and the prosecutions case and the true sentencing risk his client faces at every step of the way.

Again, in Drath:

"...the State is correct that the record does not show with complete certainty that Drath would have accepted the States plea offer had she known her correct sentencing range. But we need not be 100% sure that the outcome would have been different to find prejudice. Estes, 188 Wn.2d at 462. Here there is a reasonable probability that had Drath known she faced a maximum sentence of 20 months greater than she was told, she would have negotiated a different outcome. Accordingly, we hold that Drath was prejudiced by her counsels deficient performance."

Just like in Drath, here, petitioner was proceeding under an incorrect idea of sentencing risk. Defense counsel told petitioner he, "Faced serious time." (see Appendix 4), and defined serious time to petitioner as 90-120 months. When, in reality, petitioner faced potentially decades more prison time than what defense counsel represented.

Any reasonable person, knowing they were facing upto a max life sentence in prison and lifetime supervision if ever released, would absolutely be willing to negotiate and accept a plea offer that eliminated both of these sentencing risks, as the prosecutors offers in the July-September 2016 emails did.

In Drath, the Court held that defense counsels deficient performance prejudiced Drath and remanded her for offers of plea deal. Just like in Drath, petitioners defense counsel exhibited deficient performance which prejudiced him.

Thus, this Court should grant this petition and remand for a new trial, or in the alternative, for proceedings placing petitioner in the same position he was when the plea offers of the July-September 2016, were made, in the Pierce County Superior Court.

GROUND 3

- 3) Should petitioner be entitled to a new trial based on the cumulative prejudice from multiple failures of defense counsel?

"Where the cumulative effect of multiple errors so infected the proceedings with unfairness a resulting conviction or death sentence is invalid." Kyles v. Whitley, 514 US 419, 434-35, 115

S.Ct 1555, 131 L.Ed, 2d 490 (1995). As the Ninth Circuit pointed out in, Thomas v. Hubbard 1273 F.3d 1164 (9th Cir. 2001), "In analyzing prejudice in a case in which it is questionable whether any single trial error examined in isolation is sufficiently prejudicial to warrant reversal, this Court has recognized the importance of considering the cumulative effect of multiple errors and not simply conducting a balkanized issue by issue harmless error review." *id* at 1178(internal quotations omitted). (citing United States v. Frederick, 78 F.3d 1370, 1381 (9th Circuit 1996)). See also, Matlock v. Rose 731 F.2d, 1236, 1244 (6th Cir. 1984). (Errors that might not be so prejudicial as to amount to deprivation of due process when considered alone, may cumulatively produce a trial setting that is fundamentally unfair.)"

Petitioner asserts that each of the failures of defense counsel described previously merits relief. However, considered cumulatively, they certainly resulted in sufficient prejudice to merit a new trial. Defense counsels errors, measured cumulatively, were catastrophic to petitioner. Counsel failed to accurately represent the true sentencing risk petitioner faced. Defense counsel failed to present and discuss formally proffered plea offers which would have reduced the amount of prison and probation time petitioner faced from upto max life in-prison and lifetime supervision, down to 80 months of prison and 36 months of supervision.

Petitioner is entitled to a new trial.

STATEMENT OF FINANCES

1. I do ask the Court to file this without making me pay the filing fee because I am so poor I cannot pay the fee.
2. I have a spendable balance of \$ 209.43 in my prison account.
3. I do motion this Court to appoint me a lawyer because I am so poor I cannot afford to pay a lawyer.
4. I am employed. My wages amount to \$100 per month. My employer is Correctional Industries, Airway Heights Corrections Center, Airway Heights, WA. 99001.
5. During the past 12 months I did not get any money from a business, profession, or other form of self employment.
6. During the past 12 months I did not get any rent payments. I did not get any interest. I did not get any dividends. I did not get any other money. I did not have any cash except in answer 2.
7. I did not have savings accounts or checking accounts. I did not own stocks, bonds, or notes.
8. I do not own real estate.
9. I am not married.
10. No persons need me to support them.
11. I owe no bills.

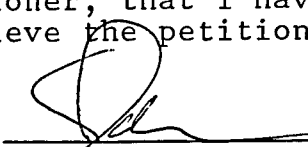
CONCLUSION AND PRAYER FOR RELIEF

Based on the above, this court should remand this case to Pierce County Superior Court for proceedings, placing the petitioner in the same position he was when the plea offers contained in the July-September 2016 emails were sent, or in the alternative, a new trial.

OATH OF PETITIONER

THE STATE OF WASHINGTON }
COUNTY OF Spokane }

After being first duly sworn, on oath, I depose and say:
That I am the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

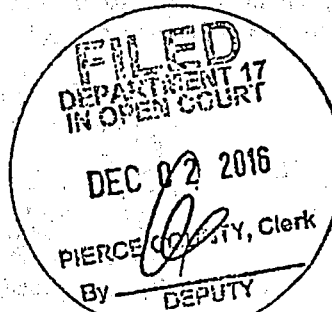

SUBSCRIBED AND SWORN TO before me this 14th day of

August 2019.

Christopher Scott
Notary public in and for the State
of Washington, residing at Abbe.



APPENDIX 1



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 15-1-05049-6

vs.

JUDGMENT AND SENTENCE (JS)

ERIC KERMIT JACOBSON

Defendant

☒ DEPT. OF CORRECTIONS - PRISON
☒ INDETERMINATE CONFINEMENT
 UNDER RCW 9A.712 \ 9.94A.507

SID: WA28227128

DOB: [REDACTED]

☐ Clerk's Action Required, para 4.5 (SDOSA),
 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8

I. HEARING

- 1.1 Beginning on October 26, 2016, a jury trial was held, the Honorable Ronald E. Culpepper, presiding. The State of Washington was represented by Deputy Prosecuting Attorney John M. Neeb, and the defendant was at all times present and represented by his attorney, Travis Currie. On November 4, 2016, the court accepted a verdict of guilty to the offenses set out herein.
- 1.2 On December 2ND, 2016, a sentencing hearing was held before the same court with all parties present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

- 2.1 CURRENT OFFENSES: The defendant was found guilty on NOVEMBER 4, 2016, by jury-verdict of:

COUNT	CRIME	RCW	ENHANCE TYPE*	DATES OF CRIME	INCIDENT NO.
I	ATTEMPTED RAPE OF A CHILD IN THE FIRST DEGREE (136-A)	9A.44.073 9A.28.020	None	12/15-16/16	15-025982
II	ATTEMPTED COMMERCIAL SEXUAL ABUSE OF A MINOR (J110-A)	9.68A.100 9A.28.020	None	12/15-16/16	15-025982

as charged in the Original Information

- ☒ Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589): NONE ~~BOTH SEPARATE AND DISTINCT~~ COUNT I AND II
- ☐ Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): NONE

JUDGMENT AND SENTENCE (JS)

(Felony) (7/2007) Page 1 of 10

16-9-10116-1
000230
 Office of Prosecuting Attorney
 930 Tacoma Avenue S. Room 946
 Tacoma, Washington 98402-2171
 Telephone: (253) 798-7400

- [] 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement or placement not covered by Sections 1 and 2 above).

Dated: Dec. 2ND, 2016.



By direction of the Honorable

JUDGE RONALD E. CULPEPPER

KEVIN STOCK

CLERK

By:

DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF

Date DEC 06 2016

By

Deputy

STATE OF WASHINGTON

ss:

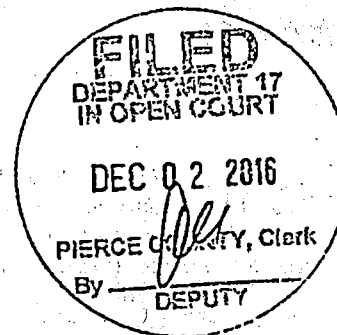
County of Pierce

I, Kevin Stock, Clerk of the above entitled Court, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of Said Court this
_____ day of _____,

KEVIN STOCK, Clerk

By: _____ Deputy

jmn



2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
I	ATT. RAPE CHILD 1	Current	Pierce Co / WA	12/15-16/16	Adult	V/Sex
II	ATT. CSAM	Current	Pierce Co / WA	12/15-16/16	Adult	NV/Sex

☒ The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525): ~~None - Both separate and distinct~~ **Count I + II**

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCE	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	80	XII	69.75 - 92.25	None	90 - 120 months to LIFE	Life/50K
II	80	VIII	27 - 36 months	None	27 - 36 months	10yr/20k

1575-29.25

2.4 ☐ EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence: **NOT SOUGHT OR IMPOSED.**

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

☐ The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

2.6 ☐ FELONY FIREARM OFFENDER REGISTRATION. The defendant committed a felony firearm offense as defined in RCW 9.41.010. **NOT SOUGHT OR IMPOSED.**

2.7

III JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.

3.2 ☐ The court DISMISSES Counts _____ ☐ The defendant is found NOT GUILTY of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE

RTN/RJN	\$	Restitution to:	_____
	\$	Restitution to:	_____
		(Name and Address--address may be withheld and provided confidentially to Clerk's Office).	
PCV	\$	500.00	Crime Victim assessment
DNA	\$	100.00	DNA Database Fee
PUB	\$	1,500	Court-Appointed Attorney Fees and Defense Costs
FRC	\$	200.00	Criminal Filing Fee
FCM	\$	6,000	CSAM Fee (RCW 9.68A.100) ^{\$6,000.}

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____

\$7,300 TOTAL NO INTEREST ACCRUES UNTIL RELEASE

[] The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[] shall be set by the prosecutor.

[] is scheduled for _____

[] The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

☒ All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$ 25 per month commencing Set by Doc. RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan. \$125/mo. UPON RELEASE

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b)

[] **COSTS OF INCARCERATION.** In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160.

COLLECTION COSTS The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

INTEREST The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

COSTS ON APPEAL An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.160.

JUDGMENT AND SENTENCE (JS)

(Felony) (7/2007) Page 3 of 10

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

000232

4.1b **ELECTRONIC MONITORING REIMBURSEMENT.** The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____ for the cost of pretrial electronic monitoring in the amount of \$ _____.

4.2 ☒ **DNA TESTING.** The defendant shall have a blood/biological sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

☒ **HIV TESTING.** The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4.3 ☒ **NO CONTACT**

The defendant shall have **NO UNSUPERVISED CONTACT** with any child who is under 18 years of age for **LIFE**. Contact includes, but is not limited to, personal, verbal, electronic, telephonic, written, or through a third party.

4.4 **OTHER:** Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law.

<input checked="" type="checkbox"/>	NO UNSUPERVISED USE OF THE INTERNET
<input checked="" type="checkbox"/>	FORFEIT ALL PROPERTY SEIZED DURING THIS INVESTIGATION

4.4a Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days unless forfeited by agreement in which case no claim may be made. After 90 days, if you do not make a claim, property may be disposed of according to law.

4.4b **BOND IS HEREBY EXONERATED**

4.5 **CONFINEMENT OVER ONE YEAR.** The defendant is sentenced as follows:

(a) **CONFINEMENT.** RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

20.25 months on Count II

CONFINEMENT. RCW 9.94A.712. Defendant is sentenced to the following term of confinement in the custody of the Department of Corrections (DOC):

Count I Minimum Term: 85 Months Maximum Term: LIFE

The Indeterminate Sentencing Review Board may increase the minimum term of confinement.

☒ Actual number of months of total confinement ordered is: 85 MONTHS TO LIFE

[] The confinement time on Count _____ contains a mandatory minimum term of _____.

✓ **CONSECUTIVE/CONCURRENT SENTENCES.** RCW 9.94A.589. All counts shall be served concurrently.

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crimes being sentenced.

✓ Confinement shall commence immediately.

✓ (c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 351 DAYS CREDIT

4.6 ~~(XX)~~ **COMMUNITY CUSTODY** (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701)

The defendant shall be on community custody for:

✓ Count II 36 months for Sex Offenses

~~(XX)~~ **COMMUNITY CUSTODY** is Ordered for counts sentenced under RCW 9.94A.712, from time of release from total confinement until the expiration of the maximum sentence:

✓ Count I until _____ → for the remainder of the Defendant's life.

(B) While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (9) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706 and (10) for sex offenses, submit to electronic monitoring if imposed by DOC. The defendant's residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody.

Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

The court orders that during the period of supervision the defendant shall:

[] consume no alcohol.

~~(XX)~~ have no unsupervised contact with: any child under 18 years of age. EXCEPT HIS SONS.

~~(XX)~~ remain within a specified geographical boundary, to wit: **SEX OFFENDER REGISTRATION**

[] not serve in any paid or volunteer capacity where he or she has control or supervision of minors under 13 years of age

~~(XX)~~ participate in the following crime-related treatment or counseling services: **AS ORDERED BY DOC.**

~~(XX)~~ undergo an evaluation for treatment for ~~(XX)~~ **SEXUAL OFFENDER / DEVIANCY**

~~(XX)~~ comply with the following crime-related prohibitions: **AS SET BY DOC / CCO.**

~~(X)~~ Other conditions:

Approved "H"

[] For sentences imposed under RCW 9.94A.702, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

PROVIDED: That under no circumstances shall the total term of confinement plus the term of community custody actually served exceed the statutory maximum for each offense.

4.7 WORK ETHIC CAMP. RCW 9.94A.690, RCW 72.09.410. **DOES NOT APPLY / NOT ORDERED.**

4.8 OFF LIMITS ORDER (drug trafficker) RCW 10.66.020. **DOES NOT APPLY / NOT ORDERED.**

V. NOTICES AND SIGNATURES

5.1 COLLATERAL ATTACK ON JUDGMENT. Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 LENGTH OF SUPERVISION. For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505. The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 NOTICE OF INCOME-WITHHOLDING ACTION. If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 RESTITUTION HEARING.

☒ Defendant waives any right to be present at any restitution hearing (sign initials).

5.5 CRIMINAL ENFORCEMENT AND CIVIL COLLECTION. Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.

5.6 FIREARMS. You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.7 **SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200.**

1. **General Applicability and Requirements:** Because this crime involves a sex offense or kidnapping offense (e.g., kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW) where the victim is a minor defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register at the time of your release and within three (3) business days from the time of release.

2. **Offenders Who Leave the State and Return:** If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within three (3) business days after moving to this state. If you are under the jurisdiction of this state's Department of Corrections, you must register within three (3) business days after moving to this state. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry out a vocation in Washington, or attend school in Washington, you must register within three (3) business days after starting school in this state or becoming employed or carrying out a vocation in this state.

3. **Change of Residence Within State and Leaving the State:** If you change your residence within a county, you must provide, by certified mail, with return receipt requested or in person signed written notice of your change of residence to the sheriff within three (3) business days of moving. If you change your residence to a new county within this state, you must register with that county sheriff within three (3) business days of moving, and must, within three (3) business days provide, by certified mail, with return receipt requested or in person, signed written notice of the change of address in the new county to the county sheriff with whom you last registered. If you move out of Washington State, you must send written notice within three (3) business days of moving to the county sheriff with whom you last registered in Washington State.

4. **Additional Requirements Upon Moving to Another State:** If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within three (3) business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within three (3) days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

5. **Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within three (3) business days prior to arriving at the institution. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within three (3) business days prior to beginning to work at the institution. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within three (3) business days of such termination. If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within three (3) business days prior to arriving at the school to attend classes. The sheriff shall promptly notify the principal of the school.

6. **Registration by a Person Who Does Not Have a Fixed Residence:** Even if you do not have a fixed residence, you are required to register. Registration must occur within three (3) business days of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within three (3) business days after losing your fixed residence, you must provide signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county within three (3) business days after entering the new county. You must also report weekly in person to the sheriff of the county where

you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You may be required to provide a list the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

7. **Application for a Name Change:** If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within three (3) business days of the entry of the order. RCW 9A.44.130(7).

[X] The defendant is a sex offender subject to indeterminate sentencing under RCW 9.94A.712.

5.8. [] The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.10 **OTHER:** _____

DONE in Open Court and in the presence of the defendant this date: Dec 2ND 2016

JUDGE

Print name

RONALD E. CULPEPPER

Deputy Prosecuting Attorney

Print name: JOHN M. NEEB

WSB # 21322

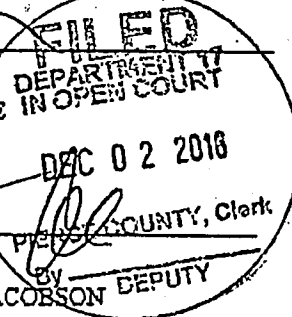
Attorney for Defendant

Print name: TRAVIS CURRIE

WSB # 29288

Defendant

Print name: ERIC KERMIT JACOBSON



Voting Rights Statement: I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.

My right to vote may be permanently restored by one of the following for each felony conviction: a) a certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) a court order issued by the sentencing court restoring the right, RCW 9.92.066; c) a final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) a certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

Defendant's signature: _____

ERIC KERMIT JACOBSON

JUDGMENT AND SENTENCE (JS)

(Felony) (7/2007) Page 8 of 10

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

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CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 15-1-05049-6

I, KEVIN STOCK Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date:

Clerk of said County and State, by: _____, Deputy Clerk

IDENTIFICATION OF COURT REPORTER

CATHY SCHAMU
Court Reporter for TRIALCathy Schamu
Court Reporter for SENTENCING

IDENTIFICATION OF DEFENDANT

SID No. WA28227128
(If no SID take fingerprint card for State Patrol)

Date of Birth [REDACTED]

FBI No. [REDACTED]

Local ID No. UNKNOWN

PCN No. 541518347

Other

Alias name, SSN, DOB:

Race: ☐ Asian/Pacific Islander ☐ Black/African-American ☒ Caucasian ☐ Hispanic ☒ Male
☐ Native American ☐ Other: ☒ Non-Hispanic ☐ Female

FINGERPRINTS

Left four fingers taken simultaneously

Left Thumb

Right Thumb

Right four fingers taken simultaneously

I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, ALC

Dated: 12/2/16

DEFENDANT'S SIGNATURE:

DEFENDANT'S ADDRESS: DOC

JUDGMENT AND SENTENCE (JS)
(Felony) (7/2007) Page 10 of 10

000240

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

APPENDIX "F"

The defendant having been sentenced to the Department of Corrections for a:

☒ sex offenses (Attempt Rape Child 1 / Attempt CSAM)

The offender shall report to and be available for contact with the assigned community corrections officer as directed:

The offender shall work at Department of Corrections approved education, employment, and/or community service;

The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions:

An offender in community custody shall not unlawfully possess controlled substances;

The offender shall pay community placement fees as determined by DOC:

The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

The offender shall submit to affirmative acts necessary to monitor compliance with court orders as required by DOC.

The Court may also order any of the following special conditions:

☐ (I) The offender shall remain within, or outside of, a specified geographical boundary: _____

☒ (II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: _____

NO UNSUPERVISED CONTACT WITH ANYONE UNDER 18 YEARS OF AGE,

☒ (III) The offender shall participate in crime-related treatment or counseling services, *EXCEPT HIS SONS*

☒ (IV) The offender shall not consume alcohol; _____

☒ (V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

☒ (VI) The offender shall comply with any crime-related prohibitions.

☒ (VII) Other: APPENDIX "H" CONDITIONS (ATTACHED)



15-1-05049-6 48026925 APXH 12-08-16

0238

14998

12/7/2016

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

JACOBSON, ERIC K.

DOC# [REDACTED]

Defendant.

No. 15-1-05049-6

JUDGMENT AND SENTENCE
APPENDIX H - SEX OFFENSES COUNTY, Clerk

COMMUNITY CUSTODY

DEPARTMENT 17
IN OPEN COURT

DEC 02 2016

By DEPUTY

STANDARD CONDITIONS

The Defendant shall comply with the following conditions of community custody, effective as of the date of sentencing unless otherwise ordered by the court.

1. Report to and be available for contact with the assigned community corrections officer as directed;
2. Work at Department of Corrections-approved education, employment, and/or community restitution;
3. Not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
4. Pay supervision fees as determined by the Department of Corrections;
5. Receive prior approval for living arrangements and residence location;
6. Not own, use, or possess a firearm or ammunition. (RCW 9.94A.706);
7. Notify community corrections officer of any change in address or employment;
8. Upon request of the Department of Correction, notify the Department of court-ordered treatment; and
9. Remain within geographic boundaries, as set forth in writing by the Department of Correction Officer or as set forth with SODA order.

SPECIAL CONDITIONS - SEX OFFENSES

RCW 9.94A.703 & .704

Defendant shall:

1. Obey all municipal, county, state, tribal, and federal laws.
2. Indeterminate Sentences: Abide by any Washington State Department of Corrections (DOC) conditions imposed (RCW 9.94A.704).
3. Have no direct or indirect contact with the victim(s) of this offense.
4. Within 30 days of release from confinement (or sentencing, if no confinement is ordered) obtain a sexual deviancy evaluation with a State certified therapist approved by your Community Corrections Officer (CCO) and follow through with all recommendations of the evaluator. Should sexual deviancy treatment be recommended, enter treatment and abide by all programming rules, regulations and requirements. Attend all treatment-related appointments (unless excused); follow all requirements, conditions, and instructions related to the recommended evaluation/counseling; sign all necessary releases of information; and enter and complete the recommended programming.
5. Inform the supervising CCO and sexual deviancy treatment provider of any dating relationship. Disclose sex offender status prior to any sexual contact. Sexual contact in a relationship is prohibited until the treatment provider approves of such.
6. Obtain prior permission of the supervising CCO before changing work location.
7. If a resident at a specialized housing program, comply with all rules of housing program.
8. Consent to DOC home visits to monitor compliance with supervision. Home visits include access for the purposes of visual inspection of all areas of residence in which the offender lives or has exclusive/joint control/access.
9. Do not enter sex-related businesses, including: x-rated movies, adult bookstores, strip clubs, and any location where the primary source of business is related to sexually explicit material.
10. Do not possess, use, access or view any sexually explicit material as defined by RCW 9.68.130 or erotic materials as defined by RCW 9.68.050 or any material depicting any person engaged in sexually explicit conduct as defined by RCW 9.68A.011(4) unless given prior approval by your sexual deviancy provider.
11. Do not use or consume alcohol.

withing 30 days REC

Appendix H - Sex Offenses, p. 2

12. Be available for and submit to urinalysis and/or breathanalysis upon the request of the CCO and/or the chemical dependency treatment provider.
13. Submit to and be available for polygraph examination as directed to monitor compliance with conditions of supervision.
14. Register as a Sex Offender with sheriff's office in the county of residence as required by law.

Additional Crime-Related Prohibitions: (the condition must be related to the crime being sentenced)

15. ☐ Abide by a curfew of 10pm-5am unless directed otherwise. Remain at registered address or address previously approved by CCO during these hours.

Offenses Involving Minors -

16. ☒ Have no direct and/or indirect contact with minors, *except for his two biological sons REC*
17. ☒ Do not hold any position of authority or trust involving minors.
18. ☒ Stay out of areas where children's activities regularly occur or are occurring. This includes parks used for youth activities, schools, daycare facilities, playgrounds, wading pools, swimming pools being used for youth activities, play areas (indoor or outdoor), sports fields being used for youth sports, arcades, and any specific location identified in advance by DOC or CCO.

Offenses Involving Alcohol/Controlled Substances -

19. ☒ Do not purchase or possess alcohol.
20. ☒ Do not enter drug areas as defined by court or CCO.
21. ☒ Do not enter any bars/taverns/lounges or other places where alcohol is the primary source of business. This includes casinos and or any location which requires you to be over 21 years of age.
22. ☒ Obtain ☒ alcohol ☒ chemical dependency evaluation upon referral and follow through with all recommendations of the evaluator. Should chemical dependency treatment be recommended, enter treatment and abide by all program rules, regulations and requirements. Sign all necessary releases of information and complete the recommended programming.

Offenses Involving Computers, Phones or Social Media -

23. ☒ No internet access or use, including email, without the prior approval of the supervising CCO.
24. ☒ No use of a computer, phone, or computer-related device with access to the Internet or on-line computer service except as necessary for employment purposes (including job searches). The CCO is permitted to make random searches of any computer, phone or computer-related device to which the defendant has access to monitor compliance with this condition.

Offenses Involving Mental Health Issues -

25. ☐ Obtain a mental health evaluation upon referral and follow through with all recommendations of the evaluator, including taking medication as prescribed. Should mental health treatment be recommended, enter treatment and abide by all program rules, regulations and requirements. Sign all necessary releases of information and complete the recommended programming.

Other conditions may be imposed by the court or Department during community custody.

Community Custody shall begin upon completion of the term(s) of confinement imposed herein, or at the time of sentencing if no term of confinement is ordered. The defendant shall remain under the supervision of the Department of Corrections and follow explicitly the instructions and conditions established by that agency. The Department may require the defendant to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants and/or detain defendants who violate a condition.

Date: Dec 2ND, 2016

JUDGE: Ronald E. Culpepper

OFFENDER: [Signature]

RONALD E. CULPEPPER

APPENDIX 2

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON,
Respondent,

v.

ERIC K. JACOBSON,
Appellant.

No. 49887-1-II

MANDATE

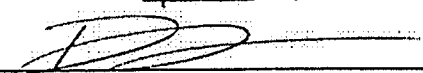
Pierce County Cause No.
15-1-05049-6

The State of Washington to: The Superior Court of the State of Washington
in and for Pierce County

This is to certify that the opinion of the Court of Appeals of the State of Washington, Division II, filed on May 15, 2018 became the decision terminating review of this court of the above entitled case on November 28, 2018. Accordingly, this cause is mandated to the Superior Court from which the appeal was taken for further proceedings in accordance with the attached true copy of the opinion.



IN TESTIMONY WHEREOF, I have hereunto set
my hand and affixed the seal of said Court at
Tacoma, this 17 day of December 2018.


Derek M. Byrne
Clerk of the Court of Appeals,
State of Washington, Div. II

APPENDIX 3

THE SUPREME COURT OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

ERIC K. JACOBSON,

Petitioner.

No. 96240-5

ORDER

Court of Appeals

No. 49887-1-II

(consolidated with No. 49755-7-II)

Department I of the Court, composed of Chief Justice Fairhurst and Justices Johnson, Owens, Wiggins and Gordon McCloud, considered at its November 27, 2018, Motion Calendar whether review should be granted pursuant to RAP 13.4(b) and unanimously agreed that the following order be entered.

IT IS ORDERED:

That the petition for review is denied.

DATED at Olympia, Washington, this 28th day of November, 2018.

For the Court

Fairhurst, C.J.
CHIEF JUSTICE

APPENDIX 4

AFFIDAVIT OF ERIC JACOBSON

I, Eric Jacobson, swear that the proceeding account is true and accurate, to the best of my knowledge, under penalty of perjury by the laws of the State of Washington.

On December 16, 2015, I was arrested and charged with Attempted Rape of a Child I and Attempted Commercial Sexual Exploitation of a Minor I, during the Net Nanny case operated by the Washington State Patrol in conjunction with the Missing and Exploited Children Task Force (MECTF). Everything about the arrest itself and being jailed for the first time in my life left me in a state of shock and dismay.

I asked for and received appointed defense counsel through the Pierce County Department of Assigned Counsel. I received my first letter from Travis Currie, my appointed counsel, at the end of December 2015, nearly two weeks after I was arrested. I met with Mr. Currie for the first time on or about January 20, 2016. He explained during this meeting that I faced, "Serious Charges" and a "significant amount of time". I recall that he flashed me a brief glimpse at a chart showing sentencing ranges, but did not explain what it meant to me or how it applied to me in my case.

During a subsequent meeting on or about January 22, 2016, I asked Mr. Currie if there were any plea offers being extended. He indicated the only offer was to, "Plead Guilty As Charged". I told Mr. Currie that was not an acceptable deal and that I, "was not interested in any deal like that". In my mind, with an offer like that, there was no risk in proceeding to trial. Afterall

he had told me I was facing 8-10 years of prison time and what difference did it make whether I took a deal or went to trial. To my mindset at the time, I would rather have taken the risk of going to trial and hoping for a not guilty verdict, than taking a guilty plea whose sentencing risk was no different than being found guilty at trial.

In the very early stages of the proceedings, I appointed Carol Jacobson, my mother, as my Power of Attorney. All of the documents were prepared and signed accordingly, with the aid of Mr. Curries office. Mr. Currie was notified by myself, that he was allowed to keep my mother updated on the proceedings of my case and discuss with her my case details. Throughout my entire incarceration in Pierce County Jail, I kept in regular contact with my mother. I came to rely on her as a point of contact with Mr. Currie, in order to try and learn more about what was happening with my case.

Mr. Currie proved to be very incommunicative with me and my mother over the course of the nearly 11 months of proceedings. I wrote Mr. Currie several letters regarding defense preparation, none of which were responded to. My mother expressed dismay at Mr. Curries slow and sometimes non-existent replies to her attempts at communicating with him. She expressed this to me during several phone calls and via letters. This frustration escalated to the point of my asking my mother to call the Court and inquire of the name of the Judge presiding over my case. We wanted to file a complaint with the court and ask for new counsel

My mother told me that the clerk told her that she could not write the Judge. As an alternative, I asked my mother to write another attorney I learned about at the Department of Assigned Counsel, Dino Sepe.

In the beginning of April, my trust in Mr. Currie had eroded to the point of grave concern. My mother wrote Mr. Sepe, expressing concern of Mr. Curries representation of me. In this letter, she asked Mr. Sepe if he would take over my case. Soon after the letter was sent, I was meeting with Mr. Currie after an Omnibus Hearing. He showed me the letter that Mr. Sepe received from my mother. He told me that Mr. Sepe told him to, "deal with this.". Mr. Currie asked me what was going on and I expressed my concern over his lack of communication with me and my mother. I also expressed concern and fear at his seeming lack of interest in my case, given the serious charges I faced. He told me the Mr. Sepe was handling another defendant in the Net Nanny case and could not take me on. He told me that, "I've been doing this 17 years and know what I am doing.". After some further discussion, Mr. Currie assured me he would be better at communicating with me and my mother and that he was diligently working on my case.

By June of 2016, after nearly 6 months on jail and hearing stories from other men in my tank, I had begun to be very concerned about proceeding to trial. At this point, Mr. Currie had not conveyed any plea offers from the prosecutors office, to me. Again, in early June, I asked Mr. Currie if any plea offers had been extended. Mr. Currie stated, "same as before, plead

guilty as charged.". I told him I wasn't interested in that as it is essentially not a plea deal. I told him I had nothing to lose by going to trial. At this time, I also told Mr. Currie that I wanted to be kept informed of any plea offers put forth by the prosecutors office. I also told him that I would be willing to consider a deal that offered minimal jail time. He told me he would keep me informed.

During the next several months, I was dismayed by Curries lack of communication with me and my mother. Although I was present in holding cells during court hearings and met with Mr. Currie after the hearings, the meetings were always very short and there was little if any substantive discussion of my case. We never discussed the strengths and weaknesses of my case or did he ever offer me his legal expertise on how to proceed or or on how he felt our defense was shaping up. Our early June meeting was the last time he mentioned anything about a plea deal being offered and even then it was only to "plead guilty as charged".

In July 2016, in speaking with another inmate, Charles Drury I learned he had been arrested in the same operation as I was and was charged with nearly identical charges. He had been offered a plea deal. I was initially encouraged by this news, as it indicated that finally the prosecutor was starting to discuss serious plea deals. This encouragement turned again to dismay as the months clicked by and no word from Mr. Currie. I was frustrated because Mr. Currie seemed to be disregarding my direct instruction to him to let me know of any plea offers made.

As the months progressed from arrest in December of 2015 through summer of 2016 and as I talked more with other men facing similar charges as mine, I had slowly begun to realize that negotiating a plea offer was going to get me a more favorable outcome than going to trial. I was willing to mitigate my risk. I was hoping to hear from Currie as I was inclined to accept something better than the 8-10 years prison sentence I believed I was facing. Afterall, Charles Drury, by August/September had taken a deal and indicated to me that he would be doing about 3-5 years. At the time, I recall thinking, "that is a sentence I could live with.". And yet, still no word from Currie, despite several voice mails to his office inquiring what was going on.

All the way up through trial, Currie never acknowledged or intimated that any plea offers had been received. In fact, there was only once after June of 2016 that Currie even hinted that there may have been a plea offer available to discuss. At my sentencing hearing, December of 2016, as I was signing several documents, I noticed a statement that said something about a plea offer being made. It didn't describe the offer, just a question whether or not one had been made. In my mind, the only offer I had ever been offered was "Plead guilty a charged". Mr. Currie was standing next to me and I looked up at him and asked, "What plea?". To which, he looked quizzically at me and said, "I thought I...." and then stopped midsentence as someone interrupted him in the proceedings.

After I filed an unsuccessful appeal, I began to research my case more. I requested my complete file from Mr. Curries.

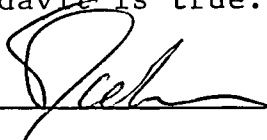
I also did a public disclosure request from the prosecutors office for any and all records regarding plea offers. To my shock, I learned that beginning in July of 2016 through September 2016, the prosecutor had emailed all defendants' attorneys plea bargains and expressed a willingness to negotiate. None of the information in these emails was ever communicated to me.

Because Mr. Currie had represented to me that I faced 8-10 years and had never indicated I was offered anything other than "plead guilty as charged", I believed I had nothing to lose by going to trial. Had I known that there was an actual offer and had I known of the true sentencing risk I faced, I would have willingly engaged in discussions of and accepted a plea offer that gave me a more favorable sentence than that which I believed I was facing due to Mr. Currie's misrepresentation.

OATH OF AFFIANT

STATE OF WASHINGTON }
COUNTY OF Spokane }

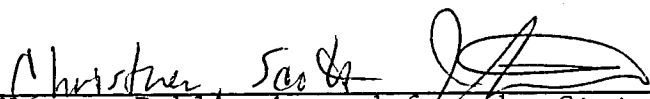
After being duly sworn; on oath, I depose and say: That I am the affiant, that I have read the affidavit, know its contents, and I believe the affidavit is true.



SUBSCRIBED AND SWORN TO before me this 14th day of

August 20 19.





Notary Public in and for the State of
Washington, residing at Alco

APPENDIX 5

Travis Currie

From: John Neeb
Sent: Wednesday, August 17, 2016 1:21 PM
To: Travis Currie
Subject: RE: Jacobson JT

Travis

I think I cc'd you in my e-mail response to PCSUPCRIMCOORD this morning.
I'll be ready to go on 9/1 for Jacobson. My schedule is like yours when it comes to conflicts.
If you go to trial with Robert, we'll bump Jacobson along until you are ready. If you don't go with him, then 9/1 still works.
I'm not saying you can't ask for a continuance to a date certain if you want.
The problem is I've got a logjam of Net Nanny cases in September and 2 murder cases in October, one of them pre-assigned.
I'm in my office this week if you want to talk, and I'll be in PJ tomorrow for several cases.

From: Travis Currie
Sent: Wednesday, August 17, 2016 1:15 PM
To: John Neeb <jneeb@co.pierce.wa.us>
Subject: Jacobson JT

John,

Schwartz called me in this morning to ask about Jacobson, currently set for a JT on 9/1. Told him I am not sure if it is ready, but told him about some of my other trials set that week.

He told me to hook up with you and talk to you about a trial date.

I have one on Monday 8/29 with Greer that the Judge said he probably will not be available for. I have a 1 week pre-assigned with Yu on 8/31 that I expect will go. I also have a pre-assigned in Whitener that is supposed to be the first go if she comes back from medical on 9/7 as planned.

Travis Currie

From: Tyler Firkins <TFirkins@VanSiclen.com>
Sent: Thursday, July 14, 2016 4:07 PM
To: Laura Carnell; Michael Clark; bryan@bryanhershman.com; Jason Johnson; Jane Melby; jurseklaw@gmail.com; Travis Currie; Leslie Tolzin
Subject: RE: Net Nanny Cases - Offers

I think if this goes to trial they might have some difficult getting the crap they provided to me into evidence, so I drafting a MIL to exclude any evidence not produce in discovery. I think a few judges down there might agree to that motion before they know what I am talking about.

From: Laura Carnell [mailto:lcarnel@co.pierce.wa.us]
Sent: Thursday, July 14, 2016 4:00 PM
To: Tyler Firkins <TFirkins@VanSiclen.com>; Michael Clark <mike@krupaclarklaw.com>; bryan@bryanhershman.com; Jason Johnson <jjohns4@co.pierce.wa.us>; Jane Melby <jmelby@co.pierce.wa.us>; jurseklaw@gmail.com; Travis Currie <tcurrie@co.pierce.wa.us>; Leslie Tolzin <les@tolzinlaw.com>
Subject: RE: Net Nanny Cases - Offers

Ned and I are still waiting to receive one "missing" phone call that the State is apparently reluctant to turn over. We are also working to see the metadata with the Detective before filing a motion to suppress.

From: Tyler Firkins [mailto:TFirkins@VanSiclen.com]
Sent: Thursday, July 14, 2016 3:55 PM
To: Michael Clark <mike@krupaclarklaw.com>; bryan@bryanhershman.com; Jason Johnson <jjohns4@co.pierce.wa.us>; Jane Melby <jmelby@co.pierce.wa.us>; jurseklaw@gmail.com; Travis Currie <tcurrie@co.pierce.wa.us>; Laura Carnell <lcarnel@co.pierce.wa.us>; Leslie Tolzin <les@tolzinlaw.com>
Subject: RE: Net Nanny Cases - Offers

I have deleted Mr. Neeb from this email. It was very kind of him to create a nice working group/listserv for us. Does anyone in the group intend to go to trial soon. My client is set for August 9, and that is a pretty horrendous offer so maybe he will be the first.

I have filed a motion to suppress based on the BS authorization in my case and also moved to dismiss the commercial case. My client is still left with some statements even if granted that are not the best on email and then an indeterminate sentence. Has anybody come up with any decent arguments in these cases?

From: John Neeb [mailto:jneeb@co.pierce.wa.us]
Sent: Thursday, July 14, 2016 3:01 PM
To: Michael Clark <mike@krupaclarklaw.com>; bryan@bryanhershman.com; Jason Johnson <jjohns4@co.pierce.wa.us>; Jane Melby <jmelby@co.pierce.wa.us>; jurseklaw@gmail.com; Travis Currie <tcurrie@co.pierce.wa.us>; Laura Carnell <lcarnel@co.pierce.wa.us>; Tyler Firkins <TFirkins@VanSiclen.com>; Leslie Tolzin <les@tolzinlaw.com>
Subject: Net Nanny Cases - Offers

I am sending this e-mail as a group e-mail so each of you can see the offer being made to the others in the same situation. I was hoping to minimize the number of e-mails and telephone calls that would result, but you can contact me either of those ways if you want.

What follows is the offer for each defendant. It is my intention that the defendants who accept will enter a plea of guilty that admits the facts of the original charge or charges against them, and then put *Newton / In re*

To: John Neeb[jneeb@co.pierce.wa.us]
From: Bryan G. Hershman
Sent: Fri 9/30/2016 3:50:44 PM
Importance: Normal
Subject: RE: Net Nanny Cases - Offers
MAIL_RECEIVED: Fri 9/30/2016 3:50:53 PM

I dictated an outline that is being transcribed at this time. I will get to this next week.

From: John Neeb [mailto:jneeb@co.pierce.wa.us]
Sent: Friday, September 30, 2016 2:17 PM
To: Philip Thornton; Michael Clark; Bryan G. Hershman; Jason Johnson; Jane Melby; jurseklaw@gmail.com; Travis Currie; Laura Carnell; Tyler Firkins
Subject: RE: Net Nanny Cases - Offers

The State's offer to each of these defendants expires at 9:00 a.m. on October 10, 2016.

If you want to negotiate – at all – do it before then.

I referenced in July my intent to amend the charges against these defendants to be consistent with each other based on similar conduct.

On the first court date that follows 10/10/2016, the State will be filing one or more counts of Felony CWMIP against the following defendants:

Zimmerman, Figueroa, Franklin

John M. Neeb

Deputy Prosecuting Attorney
(253) 798-7747

jneeb@co.pierce.wa.us

From: John Neeb
Sent: Thursday, July 14, 2016 3:01 PM
To: 'Michael Clark' <mike@krupaclarklaw.com>; 'bryan@bryanhershman.com' <bryan@bryanhershman.com>; Jason Johnson <jjohns4@co.pierce.wa.us>; Jane Melby <jmelby@co.pierce.wa.us>; 'jurseklaw@gmail.com' <jurseklaw@gmail.com>; Travis Currie <tcurrie@co.pierce.wa.us>; Laura Carnell <lcarnel@co.pierce.wa.us>; 'Tyler Firkins' <TFirkins@VanSiclen.com>; 'Leslie Tolzin' <les@tolzinlaw.com>
Subject: Net Nanny Cases - Offers

I am sending this e-mail as a group e-mail so each of you can see the offer being made to the others in the same situation. I

Barr language in for the counts that were not committed. Each plea will also have to stipulate to the forfeiture of the items seized during this investigation, including laptop computers and cell phones, along with any money or other items.

Here are the details of the offer:

[REDACTED] (Michael Clark)

Original Charges (Level): I Attempt Rape Child 2 (XI)
II Felony CWMIP (III)
Standard range as charged: I 76.5 – 102 months to LIFE (102 – 136 less 25%)
II 9 – 12 months concurrent

OFFER: [REDACTED]

Range: [REDACTED]

JOINT recommendation: [REDACTED]

[REDACTED] (Jason Johnson)

Original Charge (Level): I Attempt Rape Child 1 (XII)
Standard range as charged: I 69.75 -92. 25 months to LIFE

OFFER: [REDACTED]

Range: [REDACTED]

JOINT recommendation: [REDACTED]

[REDACTED] (Bryan Hershman)

Original Charges (Level): I Attempt Rape Child 1 (XII)
II Attempt CSAM (VIII)
Standard range as charged: I 90 – 120 months to LIFE (120 – 160 less 25%)
II 27 – 36 months (36 – 48 less 25%)

OFFER: [REDACTED]

Range: [REDACTED]

JOINT recommendation: [REDACTED]

[REDACTED] (Bryan Hershman)

Original Charges (Level): I Attempt Rape Child 2 (XI)
II CSAM (VIII)
Amended Charge: I Attempt Rape Child 2 (XI)
Standard range as charged: I 69.75 – 92.25 months to LIFE (93 – 123 less 25%)

OFFER: [REDACTED]

Range: [REDACTED]

JOINT recommendation: [REDACTED]

(Jane Melby)

Original Charges (Level): I Attempt Rape Child 2 (XI)
Standard range as charged: I 69.75 – 92.25 months to LIFE (93 – 123 less 25%)
OFFER: [REDACTED]
Range: [REDACTED]
JOINT recommendation: [REDACTED]

(Ned Jursek)

Co-Defendant: [REDACTED]

Original Charges (Level): I Attempt Rape Child 2 (XI)
II Attempt CSAM (VIII)
Standard range as charged: I 76.5 – 102 months to LIFE (102 – 136 less 25%)
II 27 – 36 months (36 – 48 less 25%)
OFFER: [REDACTED]
Range: [REDACTED]
JOINT recommendation: [REDACTED]

NOTE: This offer is a package deal that both [REDACTED] and [REDACTED] must accept.

Eric Jacobson:

(Travis Currie)

Original Charges (Level): I Attempt Rape Child 1 (XII)
II Attempt CSAM (VIII)
Standard range as charged: I 90 – 120 months to LIFE (120 – 160 less 25%)
II 27 – 36 months (36 – 48 less 25%)
OFFER: Child Molest 2 (VII), CSAM (VIII), Felony CWMIP (III)
Range: 57 – 75 months, 67 – 89 months, 22 – 29 months
JOINT recommendation: 75 months, 80 months, 29 months, all concurrent, 36 months community custody, \$500 CVPA, \$200 filing fee, \$100 DNA fee, \$5000 CSAM fine, DNA draw, HIV test, no access to internet, no contact with any child under the age of 16 years, register as a sex offender until relieved by court order, participate in sexual deviancy counseling in accordance with conditions set out in evaluation and/or as ordered by DOC.

(Laura Carnell)

Co-Defendant: [REDACTED]

Original Charges (Level): I Attempt Rape Child 1 (XII)
II Attempt CSAM (VIII)
Standard range as charged: I 90 – 120 months to LIFE (120 – 160 less 25%)
II 27 – 36 months (36 – 48 less 25%)
OFFER: [REDACTED]

Range: [REDACTED]

JOINT recommendation: [REDACTED]

NOTE: This offer is a package deal that both [REDACTED] and [REDACTED] must accept.

(Tyler Firkins)

Original Charges (Level): I Attempt Rape Child 1 (XII)
II CSAM (VIII)
Standard range as charged: I 90 – 120 months to LIFE (120 – 160 less 25%)
II 36 – 48 months

OFFER: [REDACTED]

Range: [REDACTED]

JOINT recommendation: [REDACTED]

(Leslie Tolzin)

Original Charges (Level): I Attempt Rape Child 2 (XI)
Standard range as charged: I 69.75 – 92.25 months to LIFE (93 – 123 less 25%)

OFFER: [REDACTED]

Range: [REDACTED]

These offers are being made based on the charges that were originally filed against each of these defendant. The defendants were charged by several different deputies in my office. If any of these cases goes to trial, it is my intent to make the charges against the defendant on trial as consistent as I can with the other similar cases, based on the statutes that apply to the conduct of each. As such, the State will add counts or offenses as supported by the evidence in each case. For that reason, please discuss this offer with your client(s) and get back to me as soon as possible so that we can discuss the next step in the process.

The offer to each of these defendants expires on or before the date the first of these cases actually goes forward to motions and/or trial. In other words, none of these defendants will be allowed to wait until after the first defendant goes to motions/trial to see what happens in that case.

These offers are also not "take it or leave it offers." In making the offers, I did not give much of a reduction in the amount of time in prison being faced on a conviction as charged, but I did take indeterminate sentencing off the table, as well as lifetime registration and lifetime supervision. I am willing to listen to any argument for other and/or further consideration for any of these defendants, for good reasons. I don't care if that conversation takes place in private, either as a reply to just me or on the phone, but you can expect that I will inform all defense counsel of any change I make to any of these offers.

I can be reached directly at the below contacts.

John M. Neeb
Deputy Prosecuting Attorney
(253) 798-3409
jneeb@co.pierce.wa.us

Travis Currie

From: Tyler Firkins <TFirkins@VanSiclen.com>
Sent: Thursday, August 04, 2016 2:36 PM
To: Michael Clark; bryan@bryanhershman.com; Jason Johnson; Jane Melby; jurseklaw@gmail.com; Travis Currie; Laura Carnell; Leslie Tolzin
Subject: RE: Net Nanny Cases - Offers

"The offer to each of these defendants expires on or before the date the first of these cases actually goes forward to motions and/or trial. In other words, none of these defendants will be allowed to wait until after the first defendant goes to motions/trial to see what happens in that case. " If any of you are taking this statement by Mr. Neeb seriously I wanted to let you know that I am going to trial on my case on Tuesday—or at least I will try to.

If any of you folks have any ideas or motions that you have cooked up but not filed and want to share them with me I would be grateful.

Tyler

From: John Neeb [mailto:jneeb@co.pierce.wa.us]
Sent: Thursday, July 14, 2016 3:01 PM
To: Michael Clark <mike@krupaclarklaw.com>; bryan@bryanhershman.com; Jason Johnson <jjohns4@co.pierce.wa.us>; Jane Melby <jmelby@co.pierce.wa.us>; jurseklaw@gmail.com; Travis Currie <tcurrie@co.pierce.wa.us>; Laura Carnell <lcarnell@co.pierce.wa.us>; Tyler Firkins <TFirkins@VanSiclen.com>; Leslie Tolzin <les@tolzinlaw.com>
Subject: Net Nanny Cases - Offers

I am sending this e-mail as a group e-mail so each of you can see the offer being made to the others in the same situation. I was hoping to minimize the number of e-mails and telephone calls that would result, but you can contact me either of those ways if you want.

What follows is the offer for each defendant. It is my intention that the defendants who accept will enter a plea of guilty that admits the facts of the original charge or charges against them, and then put *Newton / In re Barr* language in for the counts that were not committed. Each plea will also have to stipulate to the forfeiture of the items seized during this investigation, including laptop computers and cell phones, along with any money or other items.

Here are the details of the offer:

	(Michael Clark)
Original Charges (Level):	I Attempt Rape Child 2 (XI)
	II Felony CWMIP (III)
Standard range as charged:	I 76.5 – 102 months to LIFE (102 – 136 less 25%)
	II 9 – 12 months concurrent

OFFER:

Range:

JOINT recommendation:

[REDACTED]

[REDACTED] (Jason Johnson)

Original Charge (Level): I Attempt Rape Child 1 (XII)
Standard range as charged: I 69.75 - 92.25 months to LIFE

OFFER: [REDACTED]

Range: [REDACTED]

JOINT recommendation: [REDACTED]

[REDACTED]

[REDACTED] (Bryan Hershman)

Original Charges (Level): I Attempt Rape Child 1 (XII)
II Attempt CSAM (VIII)
Standard range as charged: I 90 - 120 months to LIFE (120 - 160 less 25%)
II 27 - 36 months (36 - 48 less 25%)

OFFER: [REDACTED]

Range: [REDACTED]

JOINT recommendation: [REDACTED]

[REDACTED]

[REDACTED] (Bryan Hershman)

Original Charges (Level): I Attempt Rape Child 2 (XI)
II CSAM (VIII)
Amended Charge: I Attempt Rape Child 2 (XI)
Standard range as charged: I 69.75 - 92.25 months to LIFE (93 - 123 less 25%)

OFFER: [REDACTED]

Range: [REDACTED]

JOINT recommendation: [REDACTED]

[REDACTED]

[REDACTED] (Jane Melby)

Original Charges (Level): I Attempt Rape Child 2 (XI)
Standard range as charged: I 69.75 - 92.25 months to LIFE (93 - 123 less 25%)

OFFER: [REDACTED]

Range: [REDACTED]

JOINT recommendation: [REDACTED]

[REDACTED]

[REDACTED] (Ned Jursek)

Co-Defendant: [REDACTED]

Original Charges (Level): I Attempt Rape Child 2 (XI)
II Attempt CSAM (VIII)
Standard range as charged: I 76.5 – 102 months to LIFE (102 – 136 less 25%)
II 27 – 36 months (36 – 48 less 25%)

OFFER: [REDACTED]

Range: [REDACTED]

JOINT recommendation: [REDACTED]

NOTE: This offer is a package deal that both [REDACTED] and [REDACTED] must accept.

Eric Jacobson: (Travis Currie)

Original Charges (Level): I Attempt Rape Child 1 (XII)
II Attempt CSAM (VIII)
Standard range as charged: I 90 – 120 months to LIFE (120 – 160 less 25%)
II 27 – 36 months (36 – 48 less 25%)

OFFER: Child Molest 2 (VII), CSAM (VIII), Felony CWMIP (III)

Range: 57 – 75 months, 67 – 89 months, 22 – 29 months

JOINT recommendation: 75 months, 80 months, 29 months, all concurrent, 36 months community custody, \$500 CVPA, \$200 filing fee, \$100 DNA fee, \$5000 CSAM fine, DNA draw, HIV test, no access to internet, no contact with any child under the age of 16 years, register as a sex offender until relieved by court order, participate in sexual deviancy counseling in accordance with conditions set out in evaluation and/or as ordered by DOC.

[REDACTED] (Laura Carnell)

Co-Defendant: [REDACTED]

Original Charges (Level): I Attempt Rape Child 1 (XII)
II Attempt CSAM (VIII)
Standard range as charged: I 90 – 120 months to LIFE (120 – 160 less 25%)
II 27 – 36 months (36 – 48 less 25%)

OFFER: [REDACTED]

Range: [REDACTED]

JOINT recommendation: [REDACTED]

NOTE: This offer is a package deal that both [REDACTED] and [REDACTED] must accept.

[REDACTED] (Tyler Firkins)

Original Charges (Level): I Attempt Rape Child 1 (XII)
II CSAM (VIII)
Standard range as charged: I 90 – 120 months to LIFE (120 – 160 less 25%)
II 36 – 48 months

OFFER: [REDACTED]

Range: [REDACTED]

JOINT recommendation: [REDACTED]

[REDACTED]

(Leslie Tolzin)

Original Charges (Level): I Attempt Rape Child 2 (XI)
Standard range as charged: I 69.75 – 92.25 months to LIFE (93 – 123 less 25%)
OFFER: [REDACTED]
Range: [REDACTED]
JOINT recommendation: [REDACTED]

[REDACTED]

These offers are being made based on the charges that were originally filed against each of these defendant. The defendants were charged by several different deputies in my office. If any of these cases goes to trial, it is my intent to make the charges against the defendant on trial as consistent as I can with the other similar cases, based on the statutes that apply to the conduct of each. As such, the State will add counts or offenses as supported by the evidence in each case. For that reason, please discuss this offer with your client(s) and get back to me as soon as possible so that we can discuss the next step in the process.

The offer to each of these defendants expires on or before the date the first of these cases actually goes forward to motions and/or trial. In other words, none of these defendants will be allowed to wait until after the first defendant goes to motions/trial to see what happens in that case.

These offers are also not "take it or leave it offers." In making the offers, I did not give much of a reduction in the amount of time in prison being faced on a conviction as charged, but I did take indeterminate sentencing off the table, as well as lifetime registration and lifetime supervision. I am willing to listen to any argument for other and/or further consideration for any of these defendants, for good reasons. I don't care if that conversation takes place in private; either as a reply to just me or on the phone, but you can expect that I will inform all defense counsel of any change I make to any of these offers.

I can be reached directly at the below contacts.

John M. Neeb
Deputy Prosecuting Attorney
(253) 798-3409
jneeb@co.pierce.wa.us

Travis Currie

From: Tyler Firkins <TFirkins@VanSiclen.com>
Sent: Friday, August 19, 2016 1:07 PM
To: Michael Clark; bryan@bryanhershman.com; Jason Johnson; Jane Melby; jurseklaw@gmail.com; Travis Currie; Laura Carnell; Leslie Tolzin
Subject: RE: Net Nanny Cases - Offers

[REDACTED] pled out according to Mr. Neeb today. He pled to [REDACTED]

I think that means he has 8 more to go all pretty much set for September. Anybody filed a motion? He says he is filing as response to my motions today.

From: John Neeb [mailto:jneeb@co.pierce.wa.us]
Sent: Thursday, July 14, 2016 3:01 PM
To: Michael Clark <mike@krupaclarklaw.com>; bryan@bryanhershman.com; Jason Johnson <jjohns4@co.pierce.wa.us>; Jane Melby <jmelby@co.pierce.wa.us>; jurseklaw@gmail.com; Travis Currie <tcurre@co.pierce.wa.us>; Laura Carnell <lcarnel@co.pierce.wa.us>; Tyler Firkins <TFirkins@VanSiclen.com>; Leslie Tolzin <les@tolzinlaw.com>
Subject: Net Nanny Cases - Offers

I am sending this e-mail as a group e-mail so each of you can see the offer being made to the others in the same situation. I was hoping to minimize the number of e-mails and telephone calls that would result, but you can contact me either of those ways if you want.

What follows is the offer for each defendant. It is my intention that the defendants who accept will enter a plea of guilty that admits the facts of the original charge or charges against them, and then put *Newton / In re Barr* language in for the counts that were not committed. Each plea will also have to stipulate to the forfeiture of the items seized during this investigation, including laptop computers and cell phones, along with any money or other items.

Here are the details of the offer:

[REDACTED]	(Michael Clark)
Original Charges (Level):	I Attempt Rape Child 2 (XI)
	II Felony CWMIP (III)
Standard range as charged:	I 76.5 – 102 months to LIFE (102 – 136 less 25%)
	II 9 – 12 months concurrent

OFFER: [REDACTED]

Range: [REDACTED]

JOINT recommendation: [REDACTED]

[REDACTED]	(Jason Johnson)
Original Charge (Level):	I Attempt Rape Child 1 (XII)
Standard range as charged:	I 69.75 -92. 25 months to LIFE

OFFER: [REDACTED]

Range:

JOINT recommendation:

(Bryan Hershman)

Original Charges (Level): I Attempt Rape Child 1 (XII)

II Attempt CSAM (VIII)

Standard range as charged: I 90 - 120 months to LIFE (120 - 160 less 25%)

II 27 - 36 months (36 - 48 less 25%)

OFFER:

Range:

JOINT recommendation:

(Bryan Hershman)

Original Charges (Level): I Attempt Rape Child 2 (XI)

II CSAM (VIII)

Amended Charge: I Attempt Rape Child 2 (XI)

Standard range as charged: I 69.75 - 92.25 months to LIFE (93 - 123 less 25%)

OFFER:

Range:

JOINT recommendation:

(Jane Melby)

Original Charges (Level): I Attempt Rape Child 2 (XI)

Standard range as charged: I 69.75 - 92.25 months to LIFE (93 - 123 less 25%)

OFFER:

Range:

JOINT recommendation:

(Ned Jursek)

Co-Defendant:

Original Charges (Level): I Attempt Rape Child 2 (XI)

II Attempt CSAM (VIII)

Standard range as charged: I 76.5 - 102 months to LIFE (102 - 136 less 25%)

II 27 - 36 months (36 - 48 less 25%)

OFFER:

Range:

JOINT recommendation: [REDACTED]

NOTE: This offer is a package deal that both [REDACTED] and [REDACTED] must accept.

Eric Jacobson: (Travis Currie)

Original Charges (Level): I Attempt Rape Child 1 (XII)

II Attempt CSAM (VIII)

Standard range as charged: I 90 – 120 months to LIFE (120 – 160 less 25%)

II 27 – 36 months (36 – 48 less 25%)

OFFER: Child Molest 2 (VII), CSAM (VIII), Felony CWMIP (III)

Range: 57 – 75 months, 67 – 89 months, 22 – 29 months

JOINT recommendation: 75 months, 80 months, 29 months, all concurrent, 36 months community custody, \$500 CVPA, \$200 filing fee, \$100 DNA fee, \$5000 CSAM fine, DNA draw, HIV test, no access to internet, no contact with any child under the age of 16 years, register as a sex offender until relieved by court order, participate in sexual deviancy counseling in accordance with conditions set out in evaluation and/or as ordered by DOC.

[REDACTED] (Laura Carnell)

Co-Defendant: [REDACTED]

Original Charges (Level): I Attempt Rape Child 1 (XII)

II Attempt CSAM (VIII)

Standard range as charged: I 90 – 120 months to LIFE (120 – 160 less 25%)

II 27 – 36 months (36 – 48 less 25%)

OFFER: [REDACTED]

Range: [REDACTED]

JOINT recommendation: [REDACTED]

NOTE: This offer is a package deal that both Harper and Quintero must accept.

[REDACTED] (Tyler Firkins)

Original Charges (Level): I Attempt Rape Child 1 (XII)

II CSAM (VIII)

Standard range as charged: I 90 – 120 months to LIFE (120 – 160 less 25%)

II 36 – 48 months

OFFER: [REDACTED]

Range: [REDACTED]

JOINT recommendation: [REDACTED]

[REDACTED] (Leslie Tolzin)

Original Charges (Level): I Attempt Rape Child 2 (XI)

Standard range as charged: I 69.75 – 92.25 months to LIFE (93 – 123 less 25%)

OFFER:

Range:

JOINT recommendation:

These offers are being made based on the charges that were originally filed against each of these defendant. The defendants were charged by several different deputies in my office. If any of these cases goes to trial, it is my intent to make the charges against the defendant on trial as consistent as I can with the other similar cases, based on the statutes that apply to the conduct of each. As such, the State will add counts or offenses as supported by the evidence in each case. For that reason, please discuss this offer with your client(s) and get back to me as soon as possible so that we can discuss the next step in the process.

The offer to each of these defendants expires on or before the date the first of these cases actually goes forward to motions and/or trial. In other words, none of these defendants will be allowed to wait until after the first defendant goes to motions/trial to see what happens in that case.

These offers are also not "take it or leave it offers." In making the offers, I did not give much of a reduction in the amount of time in prison being faced on a conviction as charged, but I did take indeterminate sentencing off the table, as well as lifetime registration and lifetime supervision. I am willing to listen to any argument for other and/or further consideration for any of these defendants, for good reasons. I don't care if that conversation takes place in private, either as a reply to just me or on the phone, but you can expect that I will inform all defense counsel of any change I make to any of these offers.

I can be reached directly at the below contacts.

John M. Neeb
Deputy Prosecuting Attorney
(253) 798-3409
jneeb@co.pierce.wa.us

APPENDIX 6

OFFER AND SENTENCING WORKSHEET

Date: 1-22-16 DPA: Horibe Δ Attorney T. Currie

I. DEFENDANT INFORMATION

Defendant: Jacobson, Eric K Offer provided to defense: _____
D.O.B.: [REDACTED] S.I.D.: _____
Sex: Male Cause #: 15-1-05049-6

II. PLEA AGREEMENT:

Original Information: ☒ Amended Info: ☐

Charges (if Amended Info): Att. Rape of a Child 1, II: Att. Commercial Sex Abuse of a Minor

Other Agreements:

III. AGREED RECOMMENDATION (all terms are agreed between the parties unless specifically noted):

Parties to argue for sentence within the standard range (I: 90 - 120 months to life, II: 27- 36 months). I: Life time community custody (J&S will note that it will automatically convert to bench supervision if DOC declines to supervise or closes their file early), \$500 CVPA, \$200 costs, \$100 DNA, \$500 DAC recoupment, Restitution (if applicable, including for damage done in dismissed counts and medical expenses), psychosexual eval and follow up txmt, Forfeit any items in property, law abiding behavior. Register as a sex offender as required by statute, complete PSI and comply with PSI/CCO recommendations in Appendix "H". No contact with minors. HIV testing. Defendant **MUST** make a factual plea; no Newton/Alford language. Defendant must also stipulate that the court may review the declaration of probable cause to help establish the factual basis and circumstances of the incident (checkbox in plea form after factual statement)

Range as charged after trial: I: 90 - 120 months to life, II: 27-36 months. Further negotiation may occur upon receipt and review of psychosexual assessment and sexual history polygraph showing that defendant is not a danger to the community. Completion of a psychosexual assessment and sexual history polygraph does not guarantee reduction of charges; resolution of the case remains at the full discretion of the prosecuting attorney.

IV. CRIMINAL HISTORY: (Known as of this date) Both parties stipulate to the criminal history attached hereto and incorporated herein by reference.

V. OFFENDER SCORE:

	Score	Seriousness	Range	Max Term	Max Fine
Ct. I:	3	XII	90 - 120 months to life	Life	\$50000
Ct. II:	3	VIII	27 - 36 months	10 years	\$20000
Ct. III:					
Ct. IV:					
Ct. V					

VI. JUDGMENT AND SENTENCE PAPERWORK:

Plea: ☐ Jury Trial: ☐ Bench Trial: ☐

Date of Offense: _____ Special Finding: _____ Sex: _____

Incident #: _____ Appendices: _____

Plea Date: _____ Sentencing Date: _____

Ct. I Ct. II Ct. III Ct. IV Ct. V

Charge Code: _____

VII. ACKNOWLEDGEMENT: The State is relieved of its obligations under this agreement in the event the defendant subsequently re-offends, fails to appear for a court hearing or otherwise violates the conditions of release. Offer is also revoked after OH hearing and subject to change/revocation if witnesses are interviewed. Offer is contingent on all co-defendants accepting a plea offer and pleading guilty simultaneously.

APPENDIX 7



Pierce County

Department of Assigned Counsel

949 Market Street, Suite 334
Tacoma, Washington 98402-3696
(253) 798-6062 • FAX (253) 798-6715
email: pcassgncnsl@co.pierce.wa.us

MICHAEL R. KAWAMURA
Director

January 22, 2019

ERIC JACOBSON, DOC #: 395001
A.H.C.C. #KB58
P.O. BOX 2049
AIRWAY HEIGHTS, WA 99001

RE: Request for Records Disclosure

Dear Mr. Jacobson:

On January 17, 2019, we received your letter in response to the records sent to you on December 10, 2018, requesting "electronic or written response documents from the prosecutor's office discussing plea offers".

After receiving your request, your client file was re-reviewed for any documents fitting your request. We were unable to locate any documents from Travis Currie or any other attorney, regarding plea offers for Pierce County Superior Court Cause Number: 15-1-05049-6.

Sincerely,

A handwritten signature in cursive script, appearing to read "Char Davidson".

Char Davidson, Legal Assistant
On behalf of Anne Smith
Program Manager/Public Records Officer



APPENDIX 8

Filed for record at the request of:

DURABLE POWER OF ATTORNEY

I, Eric Jacobson, resident of the State of Washington,
revoke any powers of attorney I may have given in the past and give
[REDACTED] (referred to below as "the agent")
a durable power of attorney. I intend that it not be limited by any disability I may
have in the future.

1. POWERS

A. The agent shall act on my behalf and for my benefit, and shall have all powers over my estate that I have or acquire. These shall include, but not be limited to, the following: the power to make deposits to, and payments from, any account in my name in any financial institution; the power to open and remove items from any safe deposit box in my name; the power to sell, exchange or transfer title to stocks, bonds or other securities; the power to sell, convey or encumber any real or personal property.

B. The agent shall have the power to consent to, or to withhold consent from, medical treatment, shall have all powers necessary or desirable to provide for my support, maintenance, health and comfort; the agent shall be entitled to obtain and use any of my medical records or other individually identifiable health information to the same extent as I would myself. This is intended as a full release of all information governed by the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

C. I authorize the agent to revoke any community property agreement and to transfer any property to my spouse or registered domestic partner as a gift.
 (Initial here if revocation of a community property agreement and gifts to a spouse or registered domestic partner are authorized. If they are not authorized, cross out all of paragraph C.)

D. I authorize the agent to make gifts of my property to the following person or persons: _____

Gifts under this paragraph may be:

_____ in any amount

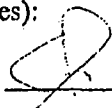
_____ not more than \$ _____ per year

(If gifts are authorized under paragraph D, either *initial* next to "in any amount" or *initial* next to "no more than" and fill in a dollar amount. If gifts are not authorized, cross out all of paragraph D.)

No gift may be made under this power of attorney, except to a spouse or registered domestic partner if authorized under paragraph 1(C), unless authorized by this paragraph.

2. EFFECTIVE DATE, REVOCATION AND DISPOSITION OF REMAINS

A. This power of attorney shall become effective (initial the choice that applies):



_____ immediately

_____ only when my agent certifies in writing that I lack the mental capacity to make important decisions independently. (This certification may be made using the box at the end of this document, or may be made in a separate writing.)

B. It shall remain in effect until revoked or until my death.

C. After my death, my agent shall have the authority to act as my representative for purposes of controlling the disposition of my remains, as authorized under RCW 68.50.16, if I have not otherwise made lawful provision for their disposition.

D. I may revoke this power of attorney by giving written notice to the agent and, if the power of attorney has been recorded, by recording the written instrument of revocation in the county office where deeds are recorded.

E. If I give notice of revocation after my agent has certified that I lack the mental capacity to make important decisions, then my agent's power or attorney shall be suspended unless and until a court determines that the revocation was not effective.

3. RIGHTS AND DUTIES OF THE AGENT

A. My estate shall hold the agent harmless from, and indemnify the agent for, all liability for acts done for me in good faith based on this power of attorney.

B. The agent shall be required to account to any subsequently appointed personal representative.

4. NOMINATION OF GUARDIAN

I nominate the agent for consideration by the court as my guardian or limited guardian in the event that any guardianship proceeding for my person or estate should be commenced.

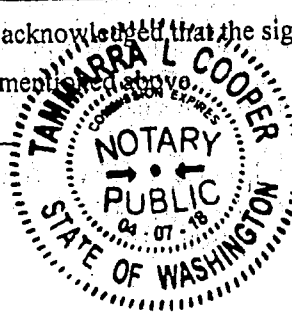
5. SUBSTITUTE AGENT

I appoint [REDACTED] to serve as substitute agent in place of the agent named in paragraph 1 above, if the agent named in paragraph 1 is unable or unwilling to serve. A statement signed by the substitute agent, affirming that the agent named in paragraph 1 is unable or unwilling to serve shall be sufficient to establish that the agent is unable or unwilling to serve.

(If no substitute agent is named, this paragraph should be crossed out.)

Dated: 1/22/16

[Signature]

On <u>Jan. 22, 2016</u> , a person I know to be <u>Eric Jacobson</u> appeared before me in person, signed above, and acknowledged that the signing was done freely and voluntarily for the purposes mentioned above. Dated: <u>January 22, 2016</u> <u>[Signature]</u> Notary Public, State of Washington, residing at: <u>Gascon WA</u> Commission expires: <u>04-17-2018</u>	
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APPENDIX 9

From: Carol Jacobson [mailto:cajacobson38@gmail.com]
Sent: Monday, January 25, 2016 8:27 AM
To: Travis Currie
Subject: Eric Jacobson 15-1-05049-6

Good Morning:

[Quoted text hidden]

Carol Jacobson <cajacobson38@gmail.com>
To: Travis Currie <tcurrie@co.pierce.wa.us>

Mon, Jan 25, 2016 at 10:36 AM

Is his trial still going to be on February 9?

Sent from my iPhone
[Quoted text hidden]

Travis Currie <tcurrie@co.pierce.wa.us>
To: Carol Jacobson <cajacobson38@gmail.com>

Mon, Jan 25, 2016 at 11:04 AM

Almost certainly not.

From: Carol Jacobson [mailto:cajacobson38@gmail.com]
Sent: Monday, January 25, 2016 10:36 AM
To: Travis Currie
Subject: Re: Eric Jacobson 15-1-05049-6

[Quoted text hidden]



Carol Jacobson <cajacobson38@gmail.com>

Eric Jacobson 15-1-05049-6

5 messages

Carol Jacobson <cajacobson38@gmail.com>

Mon, Jan 25, 2016 at 8:26 AM

To: Travis Currie <tcurrie@co.pierce.wa.us>

Good Morning:

After I receive the hard copy of the POA, I have some decisions to make regarding Eric's business.

Do you have any kind of 'guestimate' as to how long the hearings/trial might go on?

Also, you said the trial would not be February 9th. When will a new trial date be set? Who is the trial date set by?

Thank you for your help.

Carol Jacobson
509-728-1964

Travis Currie <tcurrie@co.pierce.wa.us>

Mon, Jan 25, 2016 at 9:49 AM

To: Carol Jacobson <cajacobson38@gmail.com>

These sorts of cases usually take anywhere from 6-12 months to get to trial. I usually aim for the short end of that range.

From: Carol Jacobson [mailto:cajacobson38@gmail.com]

Sent: Monday, January 25, 2016 8:27 AM

To: Travis Currie

Subject: Eric Jacobson 15-1-05049-6

[Quoted text hidden]

Travis Currie <tcurrie@co.pierce.wa.us>

Mon, Jan 25, 2016 at 10:14 AM

To: Carol Jacobson <cajacobson38@gmail.com>

BTW,

I will be obtaining back up trial clothes for Eric, but he says that you will have a suite for him for trial? Generally, we receive trial clothes for clients at least one week prior to trial, and we then hold them and take them up to the jail at the appropriate time. If you wish to drop off clothes at our front desk, just make sure that they have some paperwork attached that properly identifies who they are for and the case. (case number is above in subject line).



Carol Jacobson <cajacobson38@gmail.com>

Eric Jacobson - 15-1-05049-6

1 message

Carol Jacobson <cajacobson38@gmail.com>

Wed, Jan 27, 2016 at 8:17 AM

To: Travis Currie <tcurrie@co.pierce.wa.us>

Dear Mr. Currie:

Eric Jacobson is requesting that he be present, in the room, with you and all other individuals that are present at his hearings.

Thank you,

Carol Jacobson POA
for Eric Jacobson



Carol Jacobson <cajacobson38@gmail.com>

Eric Jacobson 15-1-05049-6

1 message

Carol Jacobson <cajacobson38@gmail.com>

Mon, Feb 8, 2016 at 8:12 AM

To: Travis Currie <tcurrie@co.pierce.wa.us>

Eric has asked me to ask you the following:

1. The name of the investigator for his case
2. At what point will he be able to speak to the investigator
3. An intern was supposed to meet with Eric on Friday with the Discovery information. The intern did not show up.
4. Eric would like to review the Discovery information this week, if possible. Please call Eric to let him know when he can go over the Discovery and get the answers to the information he would like to have.

Thank you,

Carol Jacobson, POA



Carol Jacobson <cajacobson38@gmail.com>

Eric Jacobson 15-1-05049-6

1 message

Carol Jacobson <cajacobson38@gmail.com>

Wed, Feb 17, 2016 at 9:00 AM

To: Travis Currie <tcurrie@co.pierce.wa.us>

Mr. Currie - Eric has asked me to contact you regarding his case. He would like to read the Discovery Papers and talk with you about his case. He has called you many times, but your voice mail box has been full when he has called.

Please let me know if you will be able to call or visit Eric, or have your legal assistant take the Discovery Papers to him.

Thank you,

Carol Jacobson, POA

A little after 9:00Am I called Diane Ketchum, the legal assistant for Mr. Currie. She said she would email or talk to Mr. Currie if he was available. She didn't know if the Discovery papers were ready for the intern to take to Eric, but she would ask Mr. Currie. Diane Ketchum also asked, again, if Eric would like to speak to Mr. Currie, to which I answered "yes".



Carol Jacobson <cajacobson38@gmail.com>

Eric Jacobson - 15-1-05049-6

1 message

Carol Jacobson <cajacobson38@gmail.com>

Fri, Apr 1, 2016 at 9:45 AM

To: Travis Currie <tcurrie@co.pierce.wa.us>

Dear Mr. Currie:

This is the 2nd email this week for information on Eric's case. This morning, I called you for the 3rd time this.

Please respond with an email or phone call letting me know if something is being done or nothing is being done regarding this case.

Again:

1. Please email the name and phone number of the investigator on Eric's case.
2. Will there still be a pre-trial on 4/14?
3. Will there be a trial on 5/5?

Awaiting your response,

Carol Jacobson

Dear Mr. Currie:

Since there is a new Prosecuting Attorney, John M. Neeb, assigned to Eric's case, will the alleged evidence from Neil Horibe be transferred to Mr Neeb, or does the investigation start all over again?

I am also requesting the name, address and phone number of the Presiding Judge for Eric's case.

Carol Jacobson

Carol Jacobson <cajacobson38@gmail.com>
To: RACHEL <rmsoikes@comcast.net>

Tue, Apr 5, 2016 at 9:08 PM

There is an any news on the new prosecuting attorney. Again Mr. Currie is not communicating with me. I have no idea if Mindy is working with the new prosecuting attorney. In other words, I do not have any answers to your questions, which are also my questions

Sent from my iPhone
[Quoted text hidden]

Travis Currie <tcurrie@co.pierce.wa.us>
To: Carol Jacobson <cajacobson38@gmail.com>

Thu, Apr 7, 2016 at 10:06 AM

Yes, he gets the same discovery. No it will not start over.

The case is not preassigned to a particular judge.

From: Carol Jacobson [mailto:cajacobson38@gmail.com]
Sent: Sunday, April 03, 2016 6:41 PM
To: Travis Currie <tcurrie@co.pierce.wa.us>
Subject: Eric Jacobson 15-1-05049-6

[Quoted text hidden]

Carol Jacobson <cajacobson38@gmail.com>
To: Rachel Soikes <rmsoikes@comcast.net>

Thu, Apr 7, 2016 at 12:21 PM

Sent from my iPhone



Carol Jacobson <cajacobson38@gmail.com>

15-1-05049-6 Eric Jacobson

1 message

Carol Jacobson <cajacobson38@gmail.com>

Wed, Apr 6, 2016 at 3:03 PM

To: Travis Currie <tcurrie@co.pierce.wa.us>

Bcc: Rachel Soikes <rmsoikes@comcast.net>

Mr. Currie:

Eric mentioned that he had asked for photocopies of the letters he mailed to you. To date, he has not received those copies.

I am requesting that you please send the copies to him.

I am enclosing a copy of the email I sent last week, asking for some answers regarding Eric's case.

Mr. Currie, my son is not guilty of the charges. When I first talked with you, you said that you were 'going' for a speedy trial. What has happened to drag this on so long?

Carol Jacobson, DPOA
509-728-1964



Carol Jacobson <cajacobson38@gmail.com>

15-1-05049-6 Eric Jacobson

1 message

Carol Jacobson <cajacobson38@gmail.com>

Wed, Apr 6, 2016 at 3:03 PM

To: Travis Currie <tcurrie@co.pierce.wa.us>

Bcc: Rachel Soikes <rmssoikes@comcast.net>

Mr. Currie:

Eric mentioned that he had asked for photocopies of the letters he mailed to you. To date, he has not received those copies.

I am requesting that you please send the copies to him.

I am enclosing a copy of the email I sent last week, asking for some answers regarding Eric's case.

Mr. Currie, my son is not guilty of the charges. When I first talked with you, you said that you were 'going' for a speedy trial. What has happened to drag this on so long?

Carol Jacobson, DPOA
509-728-1964

From: Travis Currie <tcurrie@co.pierce.wa.us>
Date: April 7, 2016 at 10:04:51 AM PDT
To: Carol Jacobson <cajacobson38@gmail.com>
Subject: RE: Eric Jacobson 15-1-05049-6

[Quoted text hidden]

RACHEL <rmsoikes@comcast.net>
To: "Jacobson, Carol" <cajacobson38@gmail.com>

Thu, Apr 7, 2016 at 4:27 PM

From: "Carol Jacobson" <cajacobson38@gmail.com>
To: "Rachel Soikes" <rmsoikes@comcast.net>
Sent: Thursday, April 7, 2016 12:23:34 PM
Subject: Fwd: Eric Jacobson 15-1-05049-6

So Attorney Currie is saying he needed more time to prepare to go to trial... ?

Sent from my iPhone

[Quoted text hidden]

Carol Jacobson <cajacobson38@gmail.com>
To: Travis Currie <tcurrie@co.pierce.wa.us>

Thu, Apr 7, 2016 at 4:36 PM

On April 16th, this case will be 120 days old. Are you speaking of the February 9th JT, being 50 days old?
May 5th JT would be over 120 days old.

[Quoted text hidden]



Carol Jacobson <cajacobson38@gmail.com>

Eric K. Jacobson CN #15-1-05049-6

1 message

Carol Jacobson <cajacobson38@gmail.com>
To: Travis Currie <tcurrie@co.pierce.wa.us>

Mon, Jun 27, 2016 at 2:56 PM

Dear Mr. Currie:

As time is getting close to 7/7/16 where a Status Hearing will be held, I am hoping that you can answer some questions I have, so that I can mentally be 'partially prepared'. Eric told me that due to a trial you have coming up close to his trial date of 7/12/16, his trial might need to be postponed again.

Due to then traveling distance from Madras, Or to Tacoma, Wa (about 7 hrs depending on traffic) I would like to know the following:

If his trial is on the 12th, I wouldn't be able to get his clothes to your office until July 8th. It sounds like he would/could need a change of clothing for 7 days.

Rachel Sokies said that the investigator, Mr. Crow, has not called her and is wondering why.

There is an incident listed on the arrest record from the Washington State Police. Will this incident be part of his trial?

If Eric was found guilty of the charges, even though the crime wasn't committed, but the 'intent' is there, what prison time might be given?

If Eric decides to plea bargain, I am assuming that he would be pleading guilty. Would he then have to register as a sex-offender for the rest of his life? Could there possibly be jail time associated with that. Could there be Probation?

If the jury is selected in one day, would the trial be held the next working day?

If Eric is found 'not guilty' or if he plea bargains, how long will it take for him to be released?

Hoping that you find some time to answer the above - I might have more questions, but this is all for now. Please phone me @ 509-728-1964, or email me. At the present time, I can leave for Seattle if you would rather I come to your office.

Thanking you in advance.

Carol Jacobson

+ Incident #



Carol Jacobson <cajacobson38@gmail.com>

2015350044-Eric Jacobson

2 messages

Carol Jacobson <cajacobson38@gmail.com>

Sat, Jul 23, 2016 at 3:28 PM

To: Travis Currie <tcurrie@co.pierce.wa.us>

Bcc: Rachel Soikes <rmsoikes@comcast.net>

If the trial goes as planned starting Sept. 1, the jury would be selected on the 1st and 2nd of Sept., as per your last email to me. Will the trial start on the 1st working day after the Labor Day weekend, which would be Sept. 6th?

At this time, do you anticipate a continuance trial date?

Regards,

Carol Jacobson

Carol Jacobson <cajacobson38@gmail.com>

Fri, Aug 5, 2016 at 11:49 AM

To: Travis Currie <tcurrie@co.pierce.wa.us>

[Quoted text hidden]

8/5/2016

Mr. Currie would you please reply to the above message.

I am raising my 12 yr old great granddaughter. Not only do I need to make arrangements for her during Eric's trial, I also need to make motel reservations, etc for myself.

Awaiting your earliest reply.

Carol Jacobson



Carol Jacobson <cajacobson38@gmail.com>

2015350044-Eric Jacobson

3 messages

Carol Jacobson <cajacobson38@gmail.com>
To: Travis Currie <tcurrie@co.pierce.wa.us>
Bcc: Rachel Soikes <rmssoikes@comcast.net>

Sat, Jul 23, 2016 at 3:28 PM

If the trial goes as planned starting Sept. 1, the jury would be selected on the 1st and 2nd of Sept., as per your last email to me. Will the trial start on the 1st working day after the Labor Day weekend, which would be Sept. 6th?

At this time, do you anticipate a continuance trial date?

Regards,

Carol Jacobson

Carol Jacobson <cajacobson38@gmail.com>
To: Travis Currie <tcurrie@co.pierce.wa.us>

Fri, Aug 5, 2016 at 11:49 AM

[Quoted text hidden]

8/5/2016

Mr. Currie would you please reply to the above message.

I am raising my 12 yr old great granddaughter. Not only do I need to make arrangements for her during Eric's trial, I also need to make motel reservations, etc for myself.

Awaiting your earliest reply.

Carol Jacobson

Travis Currie <tcurrie@co.pierce.wa.us>
To: Carol Jacobson <cajacobson38@gmail.com>

Fri, Aug 5, 2016 at 1:07 PM

At this time, I believe this matter will proceed to trial starting with Jury selection on Either September 1, or September 6. Witnesses will likely be seen starting September 7 and take at least a week.

From: Carol Jacobson [mailto:cajacobson38@gmail.com]
Sent: Friday, August 05, 2016 11:49 AM
To: Travis Currie <tcurrie@co.pierce.wa.us>
Subject: Fwd: 2015350044-Eric Jacobson

[Quoted text hidden]



Carol Jacobson <cajacobson38@gmail.com>

Eric K Jacobson 2015350044

2 messages

Carol Jacobson <cajacobson38@gmail.com>

Sat, Jul 23, 2016 at 3:11 PM

To: Travis Currie <tcurrie@co.pierce.wa.us>

Dear Mr. Currie:

Eric has asked me to email you.

1. He would like to you set-up an interview between Mr. Crow and Rachel Soikes.
2. Eric would like the status report from investigator Mr. Pitt.
3. Eric would like you to call him about the letter he mailed to you dated July 9th, 2016. (the last letter he sent you.) I do not know the contents of the letter, Eric just asked me to contact you so he could hopefully get a reply.

Regards,

Carol Jacobson

Carol Jacobson <cajacobson38@gmail.com>

Fri, Aug 5, 2016 at 12:04 PM

To: Travis Currie <tcurrie@co.pierce.wa.us>

8/5/2016

Eric has asked me to contact you regarding the items ^{above} below.

In addition, he would like to know if you have looked deeper into the WSP Cause #15025982 dated 12/7/2015.

Eric would appreciate hearing from you as soon as possible. We know you are a busy man.

Is the investigation still on going? Have the Discovery Demands been received? Will Eric's case be ready for the trial on 9/1/2016?

Thank you for your attention to these two emails.

Carol Jacobson

[Quoted text hidden]

[Quoted text hidden]

C. J. [REDACTED]
To: Travis Currie <tcurrie@co.pierce.wa.us>

Mon, Jun 27, 2016 at 5:44 PM

Is this included in the trial? Or is it something separate?

Sent from my iPhone

Begin forwarded message:

From: Webmaster - Pub Rec Reqs <pubrecs@wsp.wa.gov>
Date: June 27, 2016 at 4:53:51 PM PDT
To: C. J. [REDACTED]
Subject: RE: Eric K. Jacobson Incident # 15025982 - 12/07/2015

[Quoted text hidden]



C [REDACTED] J [REDACTED] <[REDACTED]>

Eric K. Jacobson Incident # 15025982 - 12/07/2015

3 messages

C [REDACTED] J [REDACTED] <[REDACTED]>
To: Pubrecs@wsp.wa.gov

Mon, Jun 27, 2016 at 3:41 PM

My son, Eric K. Jacobson has asked me to find out what the above incident was. Eric is currently in Pierce County Jail - #2015350044. This incident shows on his arrest information.

Thank you for your help.

C [REDACTED] J [REDACTED] DPOA
[REDACTED]
Phone: [REDACTED]

Webmaster - Pub Rec Reqts <pubrecs@wsp.wa.gov>
To: C [REDACTED] J [REDACTED] <[REDACTED]>

Mon, Jun 27, 2016 at 4:53 PM

Ms. Jacobson,

According to our records, WSP case #15-025982 is a Missing and Exploited Children's Task Force child exploitation case.

Sincerely,

Gretchen Dolan, CPRO

Washington State Patrol

Public Records Officer

PO Box 42631

Olympia WA 98504

(360)596-4137 ext. 11137

The Washington State Patrol makes a difference every day, enhancing the safety and security of our state by providing the best in public safety services.

From: C [REDACTED] J [REDACTED] [mailto:[REDACTED]]
Sent: Monday, June 27, 2016 3:41 PM
To: Webmaster - Pub Rec Reqts
Subject: Eric K. Jacobson Incident # 15025982 - 12/07/2015

What is the address to send character references to?

How long does the sentencing usually last?

Can I pick up Eric's clothes from your office before sentencing? If not, how late on a Friday can they be picked up?

Sent from my iPhone

On Nov 16, 2016, at 11:53 AM, Travis Currie <tcurrie@co.pierce.wa.us> wrote:

Yes, I will be the attorney for sentencing.

Yes, he can appeal. No, I will not be the attorney. The state department of public defense would appoint an attorney.

At sentencing, the court has discretion to hear from individuals on the defendant's behalf. Usually best to send letters.

Sentencing is at 1:30.

He is facing a very long prison sentence.

He will have to register as a sex offender.

Where he serves time is completely up to DOC.

He will be dressed in jail clothing for the sentencing.

You can pick up the clothing you dropped off with us, after the sentencing at our office. If you dropped things off at the jail, then yes, you pick it up from them.

From: C [REDACTED] [mailto:[REDACTED]]
Sent: Thursday, November 10, 2016 8:53 AM
To: Travis Currie <tcurrie@co.pierce.wa.us>

Subject: Eric Jacobson 15-01-05049-6

Please see attached

C [REDACTED]

APPENDIX 11

RWA [] DAC APPOINTED [X] Date: 12/17/15

Initial Conflict Check date _____

Counsel Travis Currie Appointment Date 12/29/15

Cause # 15-1-05049-6 Initial Atty. Contact date _____

Offense(s) Att Rape of Child 1st

Custody Status/Bail \$250 k (reserved)

Defendant Eric Jacobson DOB [REDACTED]

Address [REDACTED]

Phone (home) _____ (cell) _____

Co-defendants _____

Arraignment 12-17-15

PTC(s)/RWA

Plea(s)

Omnibus Hearing(s)

Trial(s)

Sentencing(s)

Review(s)

3EA3

12/14/16 Routed Zip w/ Proctech Order

clothes
17 36-37
36 34
12
*Contact mother
Curric A

DATE RECEIVED: 1/4/16 DATE OF FIRST CONTACT: 1/20/16?
AGE: 48 PLACE OF BIRTH: USA

DATE	CONFIDENTIAL WORK PRODUCT CASE ACTIVITY
	Get file on return form (V)
	Att ROC 1° XII A
	Att Commercial Sex Abuse of Minor VIII B
	Read pp 1-3 of Discovery 759
	TC to D told him only 3 pages
	✓ P.O.A. A has paperwork send
	Notary on FBI
	x OK to talk to Carol Jacobson about case.
1/20	TC to D PC 3
	- Believed Redefining Americans, involved in BORN "Catholics" group.
	Want to see the actual AA they used.
	"code words" "playbook" came from them.

3pk
120-160
759 90-120
36-48
27-36

★ 12/13/16 Mailed Check of Department agreement in self address envelope

3EA3

DATE	CONFIDENTIAL WORK PRODUCT CASE ACTIVITY
1/14	Letter from A
1/14	TC from A man
1/20	TC TO A discussed case
1/20	PTC Per DPA request s/o to FBI 1/22.
1/22	PTC offer from state
	PGAC low end A says "No! Not Guilty"
	Rec'd 3 page letter from A
	Note: Still only 3 pages of Discovery. Per Niel, they have a huge batch on all these stings all in a weird format. They are working on it.
	S/o, waiting on Discovery
1/25	Per LA discovery, routing
1/29	50 DA
2/5	Rec'd Discovery to pp 146

DATE	CONFIDENTIAL WORK PRODUCT CASE ACTIVITY
2/26	Δ has seen pp 1-100 of dossier ex-ge possible witness R [REDACTED] S [REDACTED] Δ will get ph # for me.
2/26	OH
4/14	Continuum held
4/28	Bart Henry held - Barry bail reduced from \$250k to \$150k
6/9	OH - ordered off order
7/7	Continuum
8/2	State Filed witness list Need more dossier to pp 162 + OK
9/1	Cont - still doing interviews, P witness not available

DATE RECEIVED: _____

DATE OF FIRST CONTACT: _____

DATE	CONFIDENTIAL WORK PRODUCT CASE ACTIVITY
10/4	Continued - witness issues, still doing interviews
10/6	Rec'd pp 165-184
10/19	Entered Protection Order for Inquiries & documents - Drive
10/19	Filed A Motion to Dismiss - Krystof
10/20	Rec'd Flashdrive
10/25	Filed A Trial Memo
10/26	Assigned Culpepper #17 Sent Jury Question to Judge
	TRIAL
11/4	(V) - R, not Serkov w/ PST

12/2 Filed Motion Same Court Conduct

APPENDIX 12

NEBB A
Pros Unit TU10

PCPAO 18-0838 Jacobson, Plea: 000066
Cause # 18-0838

Gang/HT/NN

Originating Agency WASHINGTON STATE PATROL
Incident # 15025982
Offense Date 12/07/15 -R

DEFENDANT JACOBSON, ERIC KEMIT
COUNSEL JENNIS Currie (29248) 6798.
AMOUNT OF BAIL 250K
CHARGES ATT RC 1
CO-DEFENDANT (S)

DX Scanned

- ① Trial 10/14/2016
- ② Trial 10/20/2016
- ③ Trial 10/26/2016
- ④ Sent 12/2/2016

12/11/15 - arr - TC: \$250K Δ reserved
12-29-15 RWA Δ has not been able to hire an attorney
Ct Appoints DRC OH & TO return B4/MF

1/4/16 - D1-3 to Currie
4-111 S. MPE1-3
02/05 - 112-146 to Currie

1/24/2016 TO COURT DEFENSE
OH 2/24/2016 TO 5/5/2016

2/26/2016 OH 5/6 3/25/2016
3/26/2016 OH 5/6 OH/cont. 4/14/2016

APR 28 2016 Δ @ Δ bail lng. LDB/MF

S: opposition change
250K set
Δ: argued to lower amount
C: 150K
other lower amount
pr. office. 20.

- ① 11/16/15
RWA 12/29/15
OH 1/20/16
TO 2/9/16
OH 2-5-16
TO 5-5-16
OH 3/25/2016
OH 4/14/2016
OH 5/26/2016
③ Trial 7/2/2016
OH 6/9/16
Status 7/7/2016
④ Trial 9/1/2016

6/9/2016 Ob. Held. Def. will. SEAL CONTINUANCE
 of current trial date
 Def is "NOT INTERESTED IN A DEAL"

[Signature] 6/15/16

7/7/2016 Status for held. Trial cont. by Agreement
 TD 9/1/2016.

[Signature] 8/10/16

8/10/2016 - Ob. Subst. to be held to (un)known

9/1/2016 - TD cont. by Agreement. TO 10/4/2016

[Signature] 9/17/16

10/4/2016 - TD cont. by Agreement. TO 10/26/2016

[Signature] 10/3/16

10/26/2016 - TD cont. by Agreement. TO 10/26/2016

[Signature] 10/3/16

10/26/2016 - Assigned to Dept. 17. Trial held.

- 11/4/2016 Verdict: Guilty Att. Page 1;
 Guilty Att. CSAM. Sent. 12/2/2016 held. 4/1/17
 PENDING SENTENCING

[Signature] 11/17/16

12/2/2016 Sent. held. Court grants Def. motion
 to treat counts as same criminal conduct.

Score now 1 count. Ranges: I 19.75-92.25;
 II 15.75-20.25 (instead of 90-120 and 27.50).

SENTENCES: 35 mos to life; 2.25 mo. - concurrent.

Def. waived presence @ FFCJ (order presentment).
 NOA Docs filed by defense.

[Signature] 12/17/16

APPENDIX 13

C [REDACTED] J [REDACTED]
[REDACTED]
Phone: [REDACTED]
Email: [REDACTED]
April 4, 2016

Mr. Dino Sepe
949 Market St. Ste. 334
Tacoma, WA 98042

Re: Assigned Counsel Transfer Request

Dear Mr. Sepe:

My son, Eric Kermit Jacobson, case # 15-1-05049-6, is requesting that his case be transferred to you from Travis Currie.

Eric was arrested December 16, 2015 in a sting operation along with 10 other people. My son is not guilty of the charges.

Eric will be writing you, asking if you would be able to take his case.

This request is being made, in part, due to the lack of communication from Mr. Currie, with Eric and myself.

What are the procedures that need to take place for a transfer?

Enclosed is a copy of the Durable Power of Attorney that Eric completed, naming me as his DPOA.

Sincerely,

[REDACTED]
C [REDACTED]

APPENDIX 14

Table 1—Sentencing grid.

TABLE 1
Sentencing Grid

SERIOUSNESS LEVEL	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XVI Life sentence without parole/death penalty for offenders at or over the age of eighteen. For offenders under the age of eighteen, a term of twenty-five years to life.										
XV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
	240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
	320	333	347	361	374	388	416	450	493	548
XIV	14y4m	15y4m	16y2m	17y	17y11m	18y9m	20y5m	22y2m	25y7m	29y
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
	220	234	244	254	265	275	295	316	357	397
XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
	164	178	192	205	219	233	260	288	342	397
XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
	93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
	123	136	147	160	171	184	216	236	277	318
XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
	78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
	102	114	125	136	147	158	194	211	245	280
X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
	51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
	68	75	82	89	96	102	130	144	171	198
IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
	31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
	41	48	54	61	68	75	102	116	144	171
VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
	21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
	27	34	41	48	54	61	89	102	116	144
VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
	15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
	20	27	34	41	48	54	75	89	102	116
VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
	12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
	14	20	27	34	41	48	61	75	89	102
V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
	6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
	12	14	17	20	29	43	54	68	82	96
IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
	3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
	9	12	14	17	20	29	43	57	70	84
III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
	1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
	3	8	12	12	16	22	29	43	57	68
II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
	0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
	Days	6	9	12	14	18	22	29	43	57
I			3m	4m	5m	8m	13m	16m	20m	2y2m
	0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
	Days	Days	5	6	8	12	14	18	22	29

APPENDIX 15

OATH OF AFFIDAVIT OF CAROL A JACOBSON

STATE OF OREGON

COUNTY OF JEFFERSON

1. The undersigned, CAROL A JACOBSON, age 80, Mother and DPOA for ERIC K JACOBSON has personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.

2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.

A timeline of my contacts with Counsel Travis Currie, Atty, assigned by the State of Washington, to defend my son, Eric K Jacobson, follows, be it by email, voice mail, or telephone conversation with Mr. Currie. My son asked Mr. Currie to give me all information regarding his case.

During January, 2016, I telephoned Mr. Currie on the 11th, 12th, a voice mail was left for Mr. Currie to call me. On January 13th, after two calls, Mr. Currie told me that the Jury trial was cancelled. January 26th I emailed Mr. Currie for a 'guestimate' of how long the hearings/trials might go on. He emailed me back to say that "These sorts of cases usually take anywhere from 6-12 months to get to trial. I usually aim for the short end of that range". Mr. Currie was emailed again on January 25th to ask if Eric's trial would still be on February 9, 2016. Mr. Currie's answer was 'almost certainly not'. On January 27th, I emailed Mr. Currie, at Eric's request, to tell him that Eric would like to be present with him and all other individuals that were going to be present at his hearings. Eric emailed me to ask me to email Mr. Currie that Eric would like a meeting with Mr. Currie to discuss some questions Eric had. (When Mr. Currie did not respond to Eric's telephone calls, Eric would ask me to email him.)

February 6, 2016: Eric let me know that an investigator was to interview him. Mr. Currie said it would be an Intern Investigator that would meet with him on Friday, to go over the Discovery papers. The Intern did not show up. February 8th, Eric asked me to email Mr. Currie asking him to call Eric. February 17th, Eric asked me to email Mr. Currie again, saying that Mr. Currie's voicemail box was full every time he called. I called Diane Ketchum to let her know that Mr. Currie's voicemail box was full. Diane asked if Eric would like to speak to Mr Currie and I responded with a 'yes'.

March 29-31, 2016, I left more voicemail messages for Mr. Currie to call or email me.

April 1, 2016, I left a voicemail message for Mr. Currie to call me. When there was no response, I emailed Mr. Currie stating that I had emailed him two times and called three times that week with no response from him. On April 3, 2016, another email, from me, was sent to Mr. Currie regarding the new prosecuting attorney, John M Neeb, asking if the investigation would start all over again. On April 7, 2016 Mr. Currie responded that the investigation would not start over. April 4, 2016, I emailed Mr. Currie asking if the continuation of Eric's Pre-Trial and Jury Trial had

anything to do with the new prosecutor attorney. Mr. Currie's answer was "No his JT was continued because it would be ineffective assistance of counsel to try to go to trial on a case like this when it was only 50 days old". April 6, 2016, another email to Mr. Currie asking him for answers to questions I had requested the previous week.

I was advised on or about June 27, 2016 that Eric's trial would be July 12, 2016. I asked Mr. Currie what to expect if Eric was found guilty. I asked if Eric plea bargained would he have to register as a sex offender, spend time in jail or be on probation. All Mr. Currie never told me was that Eric's sentence would be "a long time". Mr. Currie never did tell me what Eric's charges were or what a possible sentence might be. A plea bargain was never brought up in any conversations or emails from Mr. Currie. If Eric would have known he was facing a mandatory Life Sentence and Supervised Community Counselor, he would have asked for a plea bargain.

Between January, 2016 and October of 2016 there were many emails and voicemails after the above dates. Most of the information I received regarding hearings, Discoveries, Pre Trials, and Trials were given to me by my son Eric Jacobson. Eric had told Mr. Currie to give me all information regarding Eric's case. Getting information from Mr. Currie was next to impossible. Never was he willing to give me any information. He would give me short answers to questions. Another trial date was scheduled on September 1, 2016, a holiday. Then the trial date was moved to October 4, 2016.

Early on, Eric felt that he was not being represented very well by Mr. Currie. Eric asked me to write a letter to Counsel Dino Sepe, Atty with the State of Washington, to see if he would represent Eric. Mr. Sepe responded that he would not be able to take Eric's case.

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this 12th day of July, 2019

A&C Amanda E. Collver Carola Jacobson

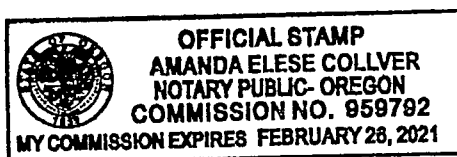
NOTARY ACKNOWLEDGMENT

STATE OF Oregon COUNTY OF Jefferson

Notary Public Amanda E. Collver

Title Personal Banker II

My Commission Expires 02/26/2021



DECLARATION OF MAILING

Cause No. In re Personal Restraint Petition of Eric K. Jacobson

I, Eric K. Jacobson, declare that on the 14th day of August 2019,


I deposited the foregoing documents:

1) Personal Restraint Petition with Appendices.
or a copy thereof in the internal mail system of Airway Heights
Corrections Center (marked "Legal Mail") and paid or made
disbursement arrangements for postage, addressed to:

The Court of Appeals Division II
949 Market Street
Tacoma, WA 98402

I declare under penalty of perjury under the laws of the State of
Washington the foregoing is true and correct.

8/14/19
DATED


Eric K. Jacobson

FILED
COURT OF APPEALS
DIVISION II

2019 AUG 19 AM 8:28

STATE OF WASHINGTON

DEPUTY